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International Court of Justice

H0133-0002

Official Transcript of the International Military Tribunal in the Matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northen Ireland, and the Union of Soviet Socialist Republics against Herman Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 16 May 1946, 100-1300, Lord Justice Lawrence presiding.

THE MARSHAL OF THE COURT: If it please the Tribunal, the report is made that the Defendants Sauckel and von Papen are absent.

The Defendant Raeder resumed the witness-stand and testified further as follows:

REDIRECT EXAMINATION -- Continued

BY DR. SIEMERS:

Q Grand Admiral, yesterday we finished with the somewhat involved document 32, and we had got as far as Point 11. We now come to 12, "Transgression or Infringements of the Permitted Amount of Ammunition." May I remind the Tribunal that this is the document, C-32, or US-50, which is in the document book 10-A, on page 8. We come to point 12, which contains three columns.

Witness, May I ask you to state your views regarding the accusation that you exceeded the permissible amount of ammunition?

A Certain ammunition stocks were in excess and some were short of the permitted amount. I cannot now, today, tell you what the reasons were in any case, bu I assume that to a very considerable extent this was due to the fact that there wer excess amounts from the last World War.

Under the first two items, the 17 and 15 centimeter shells, it shows that there were excess amounts; whereas the third amount, 10.5 centimeter, appears to be short instead of 134,000 permitted there were 87 thousand. In the case of the 8.8 centimeter shells there were excess numbers. Then there were 8,600 allowed of the 6 centimeter, but instead only an actual number of 3,600, and the same situation applying to the last item.

In the third column there appears to be some explanation regarding this. On the following page it says that amounts of ammunition were partly being manufactured and partly under delivery and that the total amount permissible will soon be exceeded.

I only wanted to ask you on that point whether it is correct that the list

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stated Sepyember 1933. According to these figures, it would have been compiled according to the situation in the autumn of 1933, wouldn't it?

A I didn't quite understand you, I am afraid.

Q If it says in this document that because of later measures the total figures which were permissible had been exceeded, then whereas in accordance wit this statement they were short, then this must apply to the situation in autumn 1933.

A Yes, there was new ammunition being manufactured for new guns and old ammunition had to be scrapped. It also must be noted that ammunition for heavy artillery which is not listed here was in every case short of the standards. We had a comparatively large amount of heavy artillery and ammunition for

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heavy coastal guns which had been granted us. We hadn't as much as we could have had.

DR. SIEMERS: For the assistance of the Tribunal I want to point out that t this last point is proved by the actual documents in the hands of the Tribunal. I am referring to figure 12 on page 2 and the paragraph immediately after the figures. It says that the ammunition for heavy artillery has not been included.

Q We now come to figure 13, "Exceeding the number of machine guns, etc., rifles, pistols and respirators."

A Here, too, it must be admitted that the stocks in individual cases were just slightly higher than permitted. This was greatest, for instance, in gas-masks, showing 43,000 actual instead of 22,500 permitted. There were large quantities of machine-guns after the World War which had been put away by individual persons. They had been hidden in farms and so forth. Later on, they were once more collected and by reason of that there was a comparatively large accumulation of them. But nowhere here are we concerned with any considerable figures. And the same applies to ammunition, bayonets, hand-grenades, search-lights and such like. Anyway they are not considerable amounts.

Q Now, figure 14, "Obtaining 337 m/g C/30 without scrapping equally serviceable weapons" --

THE PRESIDENT: Surely, Dr. Siemers, it would be possible to deal with all these various points in the documents in one statement, as to why there were these excesses. We have a statement here which contains thirty different items, and you have only gotten as far as 13 -- and you are dealing with each one.

DR. SIEMERS: Mr. President, personally I am most agreeable to stopping talking about the document. As I am not a naval expert, I had a great deal of trouble finding my way through it, but I don't think that I was the cause of this. The Prosecution, you see, have submitted every individual point --

THE PRESIDENT: Dr. Siemers, the question is, I am not blaming you, but we want to get on. We are not blaming you. Can't it be done in one explanatory ststement. one short statement?

DR. SIEMERS: I shall try, Mr. President, and I shall abbreviate it.

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BY DR. SIEMERS:

A Figures 15 to 17, the witness has no need to say anything about it. Well, they are the most important points. They were points which were planned for the most important years; they applied to the years '33 to '34.

May I only point out to the Tribunal that figure 17 refers to intended construction of reserve destroyers and that construction was permitted through the Versailles Treaty.

I'll skip 18 because we've dealt with that. Nineteen, once more, only intended construction. Figure 20, I may consider it irrelevant. It's the arming of fishing vessels. Figure 21 to 29 --

THE PRESIDENT: I think, perhaps, you should ask the defendant to explain some of these remarks in the third column. I mean in 18, for instance, "Difficult to detect. If necessary can be denied."

A These were the explanations which had been given to our representative at the disarmament conference on his way by the expert in question. It doesn't refer to the local conditions. Construction of U-boat parts, for instance, took place abroad or was to be prepared, and in 1934 and '35 it took place. The first submarine was launched at the end of June of 1935.

Q May I ascertain, Mr. Witness, that only the construction and purchase of submarines was prohibited?

A Yes, the construction in Germany.

Q Later on in my speech I shall prove that there was no violation of agreements in the case of the spare part or parts, but I think that you ought to point out just why at that time, and in spite of the fact that spare parts were permissible, one intended to conceal this. May I remind you that this is September, '33, at a time when negotiations were planned.

A During that time, before the conclusion of the English naval agreement regarding the negotiations 35 to 100, Himmler was particularly anxious to avoid everything which might in any way interfere with the negotiations. Since the subject of submarines was a particularly delicate one in England, it was part of this plan to treat the construction of U-boat parts in that manner.

Q Wasn't this appendix and several other remarks in this column due to the unfortunate experience which the navy had made politically in the country; namely, that every time when the smallest action was taken there was an immediate inner political row about it?

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A Yes, and that went so far that the armament minister -- with reference to Prussian ministers who had different attitudes than the Reich ministers, that he was attacked by them and was reported to the Reich Chancellor for doing things which he wasn't allowed to do; whereas the Reich Government itself had passed these matters already and had signed him as the responsible party for them.

Q This means, doesn't it, that these things were only kept secret for inner political reasons, so that they weren't appearing, but they had been approved by the Reich, hadn't they?

A Yes, they had. As far as these terms are concerned, this means —

Q I beg your pardon. But under these circumstances I shall come to column 2, under figure 20, considering that this point was emphasized by the Prosecution. It deals with the arming of fishing vessels, and it had been pointed out that these warning shots should be made littleof.

Q These fishing vessels were tiny ships which were actually unarmed. They were serving the purpose of fishing, of supervising the fishing in the North Sea all the way to Iceland, and in the case of emergencies, they were assisting these fishing vessels; that is to say, to take people aboard who had taken sick and also to protect fishermen of other nations. We considered that it was suitable that at least a five centimeter gun should be mounted on these ships which were actually war ships. "For warning shots" means that they had to be in a position, when they wanted to draw the fishermen's attention to something, to fire a salute shot. It was quite an insignificant affair altogether, and it wasn't artificially reduced in its significance because it was a Bagatelle.

Q Then point 21 to 23, several firms are mentioned which are industrial firms carrying out rearmament tasks. The Versailles Treaty had allowed certain firms whereas others weren't allowed to be given orders. In effect, other firms had also been given orders. Perhaps you can generally make a statement on that.

A This was the time just when we were having strong hopes that the disarmament conference would be making progress. Certain points had already been accepted which meant improvements and we had to expect, therefore, that the few factories which we had would during the subsequent

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years show a greater output. That became necessary to the shipping replacement plan. Consequently, such factories which were turning out special articles were more efficiently equipped; but this is never a case of having guns. These are automatic igniters, explosives, then there are mine containers, small items, but special items which could only be produced by certain firms. But, apart from the firms which were allowed, such firms were also employed which had not been passed. So, for instance, the Fried. Krupp Grusonwerk A. G. at Magdeburg, that's No. 25, was given the task of manufacturing Flak guns and anti-aircraft guns; barrels from two centimeters to 2.5 centimeters applies to 26, which is a firm manufacturing anti-aircraft explosives. Under No. 27 --

Q I don't think, Mr. Witness, we need go into details. And then, of course, there is a case of engines which were used more and more. I have one question which applied to all these figures. Isn't there a certain compensation due to the fact that some of the firms which had been passed and for some economic reasons had already dropped out?

A Yes, you can certainlysay that. These firms had comparatively few orders which alone couldn't keep them together.

Q Witness, I think one can't only say so; I think one must say so. May I draw your attention to the items under 22and in particular to column 3, which states: "The list has been superceded in any case by the exclusion of firms."

A Yes.

Q That leaves us with 29 and 30. Twenty-nine, "The preparations in this sphere of major experimental boats." I think that these were preparations on a very small sector.

A At the moment I can't tell you for certain what this is.

Q In that case I don't think that the Tribunal will attach a lot of importance to it.

Then I only want you to make a final statement regarding figure 30. Probably in the near future the following serious breaches will be necessary, up to and including 1934. You've answered the question in principle by your remark regarding the planned and partly already operative discussions with the

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British Government.

A Yes, that's what we're concerned with.

Q These are matters, therefore, which were being dealt with in any case as these conferences went on with the British Government and the Admiralty.

A You can't say that about them all. Take 1 to 3, for instance, they were mines. The numbers of mines were to be increased or respectively more modern material was to replace the old one. Then we go on and we come to the transfer of guns from the North Sea to the Baltic.

Q May I ask you to say about the whole subject, finally, how the whole thing looked to a naval expert like you; you see, the whole complex, would you say that these are minor violations and how far would you say did they have an aggressive character.

A As I said yesterday, these are mostly a general improvement of our defense and at a time when we were completely merely without a defense. The individual items, as I explained yesterday, are so unimportant that one needn't spend a great deal on them at all. I believe that the control commission, too, had the impression that not too much weight need to be attributed to all these matters because when, in 1925, the control commission left Kiel, where it had been stationed and where it had worked together with the organization of the command staff, Commander Fenshow, the chief of such a commission, who was mostly interested in matters relating to guns, together with a Captain Rankin, who was a specialist for these matters, said the following words:

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"Now we must draw the dividing line --" No, I'm sorry.

"Now we must leave. We are sorry to leave. We didn't have a very pleasant task; we certainly didn't. I must tell you one thing. You must not think that we believe what you have been saying. You have not said a single true word, but you have given the information so cleverly that we might have believed you, and for that I am grateful to you."

Q. I now come to Document C-29, which is US-46.

Mr. President, it is in Raeder's Document Book 10, on page 8; I mean the document book of the Prosecution.

THE PRESIDENT: You mean 10-A?

DR. SIEMERS: No, 10, page 8. This document, too, was submitted during the general speech of the Prosecution at the beginning of the trial on 27 November. It is a speech -- or, correction -- it is a document signed by Raeder of 31 January 1933, general directives for the support of the German armament industry by the navy.

BY DR. SIEMERS:

Q. The Prosecution have pointed out and have thought fit to draw the conclusion from it that as soon as one day after Hitler's nomination as Chancellor of the Reich, you were acting positively on his behalf by means of this letter. Please, will you define your attitude?

A. There is no connection between this letter and Hitler's coming into power at all. It must be admitted that between the evening of 30 January and the morning of the 31st, it would be impossible to compile so long and complicated a document, which has been carefully thought out. This document is the outcome of the hope which has already been mentioned, the hope which had arisen under Papen and Schleicher that the rules of the Versailles Treaty and the Disarmament Conference might be somewhat relaxed. The British Delegation had repeatedly said that they were in favor of a gradual state of equality.

We had to contemplate, therefore, preparations of our industry as far as they were suitable for armament and putting them into as good a condition as possible. This should be done by increasing their output and making them capabel fo meeting competition.

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As I say in this letter under (c), all countries were making efforts in that direction at that time, even those that, unlike Germany, were in no way restricted -- Great Britain, France, North America, Japan, and particularly Italy. They all made considerable effort to insure markets for their armament industry. I was trying to follow them in this particular sphere, and it was necessary that within the Naval Command Staff there should be an understanding in the various departments for the fact that this industry would need support in that manner and in a measure which would not be too mean. Technical developments should be kept secret. That is why I state under (e) that it is not so important to keep small details secret as it is that generally one should be at the top and in the lead.

I state in the final sentence that, summarizing, I attached particular importance to guaranteeing the continuing support of the industry concerned by the navy, even after the present restrictions had been relaxed, so that the industry would have confidence abroad and could sell their goods.

This has nothing to do with Hitler nor with any independent re-armament on my own behalf.

Q. Can you tell us when, approximately, these directives were created by you?

A. In the course of the month of January -- I would say in perhaps the beginning of January -- we had a meeting about it, and then I wrote this document.

Q. Certainly two to three weeks before the writing of this letter?

A. Yes, certainly.

Q. I can not imagine that any organization might write a letter like this a day after the thought for the document had first arisen.

May I ask you now to tell me just one more thing. This point, the lossening of the present restrictions, that means the restrictions of the Versailles Treaty, I presume, by means of a disarmament conference. You have mentioned that four times in this document, so that I assume that was your basis.

A. Yes, it was. The whole atmosphere at the time was just like that. It was such that one could expect an improvement.

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Q And this was the basis for which, to quote a few names, Stresemann, Bruening, had fought, and you felt it your duty to take certain precautions?

A Yes, that is right.

Q I think there is no need to go into further detail. I have read this document again and again, and I have not been able to find any point on the basi of which the prosecution could come to the conclusion that you had National Socialist ideas.

I now come to document C-140. It is US 51, and is in the document book 10-A at page 104.

A May I interrupt you please? Would it not be appropriate that I should say now what I wanted to say in addition to the statement already made regarding C-154, regarding airplanes?

DR. SIEMERS: I beg to apologize. It would be practical before going over t another subject that the witness should deal with this point. I had forgotten it.

The Prosecution have submitted document C-156. It is Captain Schuetzler's book from the year 1937. Nearly all the same violations were contained therein which were found in C-132, so that that document would be dealt with simultaneous ly.

BY DR. SIEMERS:

Q Over and above that, this deals with the case of submarines to be constructed in Holland, which was dealt with, but there is yet one more point to whic I want you to state your views, and that is the question of certain preparations regarding the navy aircraft which might later on be permitted.

A Long before I came into my office, quite a lot had been prepared in the aviation sector. As I see from this book, there had been purchases of a number of aircraft. They were put in the hands of a firm called Severa G.m.b.H, limited Company, which was known to the armed forces minister. Anti-aircraft had been allowed in the Versailles Treaty, both on the border and on the coast, and these anti-aircraft guns had to fire in firing exercises. The Control Commission had allowed us a certain number of aircraft for this purpose, which were towing the targets. These aircraft were being flown by old navy pilots, who were being employed by this Limited Company. The company, in turn, was led by an old navy flier

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Furthermore, since we in the navy were not allowed to train fliers, as we were not allowed to have any aircraft, we dealt with certain aspirants, before t they joined the navy, by having them trained in civil aviation as pilots for one year. In other words, for one year, they were being trained as pilots, and then they joined the navy and went through their ordinary navy training.

In this company, Severa, which was somewhat close to the Lohmann matters and which was dissolved in the summer of 1928 by Reichs Armed Forces Minister Groener, there were these aircraft which had been purchased, and Minister Groene in the autumn of 1928, soon he himself had made the contacts so as to be able to watch for correct handling of the whole matter,

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In this company the Navy fliers, apart from their ordinary tasks, were carrying out experiments regarding the development of aircraft for a later naval air force.

According to the instructions which we had had from the Government, we were allowed to manufacture a model of each one of the types which we might be able to use, whereas we were not allowed to accumulate aircraft. That had been prohibited by the Government explicitly; and so it happened that as years went by thi company was developing a number of aircraft types which we could use at a later stage when aviation would once more be permitted.

Exercises in the Navy were at the beginning carried out by the old naval pilots. That is to say, there were certain exercises during which ships would learn how to behave with regard to aircraft. When such a period of exercises occurred, when these youg, newly trained fliers were also used, then they were discharged from the Navy for that period. It is a small matter, but formally it was always carried out.

Q May I then ask you to come to the document C-140, which is in document book 10-A on page 104. It is a letter from the Reich Defense Minister von Blomber dated the 25th of October 1933.

THE PRESIDENT: Did you say 1933?

DR. SIEMERS: Yes, Mr. President, Page 104.

THE PRESIDENT: Well, my page 104 says 1935.

DR. SIEMERS: I beg to apologize, but according to my list it should be on page 104.

THE PRESIDENT: How is it headed? Is it "Directives for the armed forces in case of sanctions"?

DR. SIEMERS: Yes. Sanctions are mentioned under Figure 1, but that is not the heading.

THE PRESIDENT: No, but it is signed "Blomberg." It begins, "Appendix to the Reich Minister for Defense."

SIR DAVID MAXWELL FYFE: My Lord, it must be '33 from the subject matter. It must be a misprint. I notice that Dr. Siemers' copy has got '33, and from the subject matter dealt with it must be '33.

THE PRESIDENT: I see. Very well.

BY DR. SIEMERS:

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Q It is a letter from the Reich Minister for Defense Blomberg, dated the 25th of October 1933. It is addressed to the chief of the Army and Chief of the Navy and the Reich Minister for Aviation.

The Prosecution have based their accusations on this document that you, Witness, had prepared military plans for an armed resistance which might become necessary because of Germany's renunciation of the Disarmament Conference and the League of Nations. Perhaps you can briefly state your view.

A The pending departure from the League of Nations is something which I hadn't known of before. This directive appeared 11 days after we left the League of Nations, and it deals with defensive measures only in the event that because of that departure from the League of Nations there might be some sanctions by other powers against Germany.

It says under 2-C, first of all, "I prohibit any practical preparations." So that, to begin with, nothing was actually done following this directive, The Reich Minister for Defense was merely asking for my report regarding what should be done.

As far as I can remember, no preparations of any kind were carried out by the Navy at the time, because the situation remained absolutely quiet. There was no need to assume that the case of a defense would even arise.

Q The words under figure "-A which say "preparation for possible sanctions" would show that this is merely a case for defense.

The leaving of the league of Nations happened on the 14th of October 1933. That was 11 days before the document was written, That is known, and it has been mentioned by the Prosecution. It is contained on page 255 of the records of this trial.

We shall now come to document C-166. This is US Exhibit 48.

DR. SIEMERS: Mr. President, this is in document book 10 on page 36. It is a document dated the 12th of March 1934, and it is written by a Naval Commander and refers to the getting ready of auxiliary cruisers, preparation of auxiliary cruisers. The Prosecution have only quoted paragraphs 1 and 2 of this document, and they have pointed out that according to it, auxiliary cruisers were to be constructed and were to be camouflaged as transport ships "O".

The two paragraphs appear to be an accusation, but they can very easily be contradicted, and I refer to Lohmann's affidavit, which is document Raeder Number 2, contained in my document book, Volume 1, page 5. I refer to the paragraph

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under 1 -- correction, under 11. I quote:

"The document 3166, submitted to me as a communication from the Naval Command Office, of the 12th of March 1934, deals with the preparation of auxiliary cruisers, which, as stated in the document, were to be known as transport ships "C". These ships were not to be newly constructed but were to be selected from the stock of the German Merchant Marine according to the specifications given in the document, and were to be examined as to their suitability for this purpos Then plans were made for reconstruction in case of necessity, but the boats remained in the Merchant Marine,."

May I state at this point that in the English translation the word "Umbau" has been translated by the word "reconstruction." I have my doubts whether this is quite correct. I presume that the interpreter has now correspondingly translated it. It should be "conversion." I know the German word "umbau" has some connection to the English word "changes."

I continue to quote:

"The order to select such boats from German ship owners was also received at the Navy Office, Hamburg, where I was serving at that time." So far I quote Admiral Lohmann.

BY DR. SIEMERS:

Q Mr. Witness, is Lohmann's statement correct? Have you anything to add?

A No, I can only emphasize again that we weren't concerned with immediate construction but merely the selection of suitable ships, and that we were investigating the question of which alterations should be made before these ships could be used as auxiliary cruisers. We were concerned with the making of drawings, and, as stated under figure 12, these preparations or drawings should be ready by the 1st of April 1935. They were to be submitted to the Naval Command Staff, so that, if necessary, the ship concerned could be taken out in case of necessity and converted.

All these preparations for mobilization were, of course, kept secret.

DR. SIEMERS: I believe, gentlemen of the Tribunal, that the whole misunderstanding would not have arisen if the Prosecution had translated two further sentences. The English version is very short and figure 11 is missing. This is the wording of figure 11, and I quote.

"Request is made that in cooperation 'K', to begin with, the suitable

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vessels should be selected, and that it should be ascertained how many 15 centimeter guns can be mounted to achieve the necessary broadside," and so forth.

This contains the word "selected", so that this isn't, as the Prosecution has stated, the construction of auxiliary cruisers but the selection of merchant vessels.

THE WITNESS: Yes, and the ships continued to sail for the Merchant Marine.

DR. SIEMERS: The second sentence which I find, unfortunately, is not in the English translation of the Prosecution is the following, and I quote:

"As long as there is only a restricted number of guns which can be placed at our disposal for this purpose, preparations are only to be made for four transport ships. An increase of this number to brobably six will happen at a t time when more guns are available, and until then the experiences regarding the preparation of the first auxiliary cruisers will have been made."

So that there were only four, on the outside, six, merchant navy vessels, and this shows the insignificance of the whole matter.

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I now come to the document C-189, which is US-44. It is in document book No. 10 of the British Delegation, on page 66.

Please, will you state your attitude? I want to remind you that this is a conversation between you, Grand Admiral Raeder, and the Fuehrer in June, 1934, aboard the battleship Karlsruhe.

Grand Admiral, will you please state your views regarding the three points which are mentioned in this brief document, which deals with the conversation you had with Hitler in June 1934?

The first question: Why did Hitler not want the increase in the displacement of the Scharnhorst and the Gneisenau to be known; why didn't he announce it, although, according to this document, these were defensive weapons and every expert would notice the displacement of these ships and, in fact, did see that?

A This is the period when we were thinking about the question of what we might do with the two armored ships D and E. After the expectant naval pact with England was concluded, these two ships, which Hitler had passed for my Navy in 1934 -- we realised that we should not continue to construct these armored ships, as such, since the material at our disposal could be used for more suitable purposes.

Q But you were aware, were you not, that every expert of the British, or American, or any other Admiralty would, without difficulty, be able to see, as soon as he sighted the ship, that the 10,000 tons had now become 26,000?

A Yes, of course.

THE PRESIDENT: Dr. Siemers, when you are examining a witness directly, you ought not to put leading questions which put into his mouth the very answer that you desire. You are stating all sorts of things to this witness and then asking him, "isn't that so?"

DR. SIEMERS: I beg your pardon. I shall make every effort to put my questions differently.

THE WITNESS: My answer is different anyway.

BY DR. SIEMERS:

Q Yes?

A First of all, here we are concerned with plans. I asked permission to alter the plans for these two armored ships, first, by strengthening their defensive weapons, that is to say, the armor plates; then, an increase of their offensive armament, namely, a third 28-centimeter tower. A new 28-centimeter

tower was something which the Fuehrer was not yet willing to grant because, as I saidbefore, he did not, under any circumstances, want to disturn the negotiations going on with Great Britain. To begin with, therefore, he only permitted a medium displacement of some 18,000 to 19,000 tons. We were quite aware of the fact that if the point had come where a third 28-centimeter tower could be mounted, then the displacement would be 25,000 to 26,000 tons.

However, we did not see any cause whatever to announce it at this stage, because it is customary in the navy that constructions of new ships should be announced as late as possible. That w s the principal reason.

Apart from that, Hitler, by giving the figures which are mentioned, or the high speed which is mentioned, did not want to draw the attention of the countries abroad to these constructions. However, apart fromthat, any reason not to announce these things did not exist.

Q Please, will you come to figure 2 of the document? That has been particularly held against you by the prosecution, because there you state the view that the fleet must be developed to oppose England later on.

A Initially, as I shall explain later, we had made the French building program our example. The French Navy was developing the Dunkirk type, with 38 centimeter guns and high speed, at the time that we had made that our example. Particularly, as you will hear later, according to Hitler's views, arming against England was out of the question. It was our intention to reconstruct these two armored ships by building anti-aircraft ships with 28 centimeter guns for high speeds. However, we heard that the King George type was being designed in England, which had 35.6 centimeter guns, and which were stronger, therefore, than the French type.

That is why I said, "We shall, later on, anyhow, have to depart from taking the French types as an example and work with reference to England with their 35 centimeter guns."

There is an error in the translation regarding "oppose England". It says, in my text, that developments should be coordinated with the British developments. That means that we shoulddesign our boats in accordance with the English ships. But even that was out of date shortly afterwards, because France was now building ships with 38 centimeter guns. Therefore, we decided that we too would build ships with 38 centimeter guns. That was the Bismarck later on.

The word "oppose" doesn't make sense at all, at a time when we were aiming

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at an agreement with Britain, which would mean that under no circumstances could we have any fight with England.

Q Now we come to figure 3 of this document, which has been taken as equally important by the prosecution, and I quote:

"Fuehrer demands keeping the construction of U-boats complete secret, with reference to the plebscite being considered in the Saar."

A The Fuehrer's wish to keep submarine construction and preparation secret is something I have mentioned before. This is the point where he was most sensitive, because under no circumstances did he wish these negotiations to be disturbed. It was quite generally the case that during all that period he was very cautious and would not do anything, under any circumstances, which might interfere with this naval pact which he was anxious to conclude.

Q I don't quite understand the reference to the keeping secret of submarines. They weren't being built, were they?

A No. This is the keeping secret of the preparations, you see. It is merely a brief way of expressing that.

Q We now come to document C-19, which is US045. It is in document book number 10 of the British Delegation, on page 67. This is a conversation between Hitler and Raeder on the second of November 1934 aboard the Emden.

The document which you have before you contains a statement from Hitler to you, according to which he wished speedy reconstruction of the Navy up to 1938, and that, in an emergency, he would get Dr. Ley to

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place at the disposal of the Navy some one hundred and twenty million marks from the Laborer's Front.

Did you have anything to do with raising funds for rearmament?

A. I can't hear.

Q. Can you hear now?

A. Yes, I can.

Q. This document, as I said, mentions one hundred and twenty to one hundred and fifty million, which Hitler was going to place at your disposal through Ley. Did you have anything to do with raising funds for the re-armament of the Navy?

A. No, not actually the raising of sunds. I was applying for finances from the Minister of Defense for the Reich, who would pass such finances on to me. I presume that this statement was made because the allotment which had been granted for the Navy appeared too small to me. Then came the Fuehrer's statement that in an emergency he would get Ley to act. This did not actually happen. I received my funds only through the Reich Minister of Defense.

Q. Although the accusation of the prosecution does not appear quite clear to me, I want to come back to this figure once more. I want to point out that an armored cruiser of the old, small, 10,000-ton type, cost seventy-five to eighty million. How was this figure of one hundred and twenty to one hundred and fifty millions large enough to place the Navy in a position to carry out large-scale armament?

A. Well, it isn't true. Apart from those two armored cruisers there were two battleships which were under construction, so you can imagine how the costs increased.

Q. So that this total figure is not decisive?

A. No, it is not a decisive one.

Q. Will you pass on, then, to figure 2 please? According to this figure 2 of the document, you had pointed out to Hitler during this conference that possibly, during the first quarter of 1935, six submarines might be constructed or assembled.

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Q. The reason whi I said this was because I knew that at the beginning of 1935 the freedom for the armed forces, without any restriction, was being aimed at. I thought that perhaps this might create a critical situation and sanctions, something which Hitler always expected.

I assumed that was what we were talking about, and that is why I suggested that if any particular steps for a defense would be necessary should the situation become critical, then six submarines should be previously assembled, which would normally be assembled later. Parts were to be used which would be obtained abroad.

Q. Did Hitler actually give the order?

A. No. The order was not given.

THE PRESIDENT: We might break off now.

(A recess was taken)

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BY DR. SIEMERS:

Q Then we shall turn to document C-159 and that is US-54. This document may be found in the document book of the British document 10-A, page 110. This document is dated the 2nd of March 1936, the document written by von Blomberg, and deals with the demilitarization zone. Did you, witness, carry out long preparation for the action which took place on the 7th of March 1939? Will you please pause between question and answer.

A No, I did not carry out long preparation but this plan was become familiar to me only through the document of the 2nd of March. I would like to point out and refer you to figure "6", where it says that in order to preserve the peaceful character of the operation, military secutiry or advance measures are not to be taken without my express orders; therefore, it was shown that the entire action was to have a peaceful character.

Q Before the beginning of March, you knew nothing about this entire actic

A No, I believe that this action especially was kept secret.

Q Then, I will turn to document C-194, corresponding to US-55, document book of the British Delegation 10, page 128. This document deals with a memorandum of the suprem command of the Wehrmacht, the OKW, to the commander in chief of the navy, dated 1936 and it seems to be from the 6th of March 1938, as shown from the wording; therefore, it deals with the same subject matter as a document mentioned before this. May I please have your opinion and attitude on this?

THE PRESIDENT: Will you give me the page again.

SIR DAVID MAXWELL-FYFE: 128-A, my Lord.

DR. SIEMERS: Yes.

BY DR. SIEMERS:

Q May I please ask you to give us your opinion and definite your attitude.

A The Minister for Defense of the Reich had approved that certain air reconnaissance on the 6th of March was to take place; that is the day before the occupation of the Rhine. That would be, air reocnnaissance above the North Sea was to take place and the decision whether U-boats were to be used as a means of reconnaissance, that decision he was to reach the next day; thereupon, I issued an order on the 6th of March 1936 and decreed a special--

Q I beg your pardon. I would like to point out that the order by Raeder,

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on the 6th of March 1936, is appended to the same document; therefore, it is at the disposal of the High Tribunal. It is verbatim. Please continue.

A And in this decree of the 6th of March, I made preparations for the planning of the channels to be used by the U-boats in the bay on the 7th of Marc and I pointed out especially that it was to be avoided, that a wrong picture wa to be given of the intentions of the Fuehrer and to make more difficult the nature of this peaceful action.

Q I would like to supplement your statement, that these words in the de of the 6th of March 1936, may be found under Figure 5. It is the last few lines

A These were precautionary measures for the case, if an enemy counter-action was to take place.

Q Were these large preparations?

A No, no large preparations.

DR. SIEMERS: Then we shall turn to the last documents which deal with the same topic of Versailles and rearmament, document C-135, equal to GB-213, to be found in document book 10, page 20. That is the document book of the British Delegation, book 10. This has the heading: History of the KD." That is the war organization and mobilization plan. This dates from the year 1938. This documen was read in its entirety by the Prosecution and a very grave accusation is bro forth thereby, because the document says that Hitler had put the demand that within five years, that up until the 1st of April 1938, he would create a Wehr macht which would serve as a political instrument of power and also, since thi document mentions, establishment organization, 1938 and have the final objecti of the KD, of the war organization. With special consideration for the signifi-cance of this point, I asked Vice-Admiral Lohmann to give us his position and attitude to this rather technical question. We are dealing with Raeder Exhibit No.2, in my document book Roman I and Roman III, page 5. I believe that here there is a misunderstanding in the concepts as used by the prosecution. The concepts "Kriegsgliederungs" and "Aufklarungsgliederung" have been misunderst and I ask permission to read this affidavit in conjunction with my documents, and I quote Roman III:

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Referring to Document C-135 and C-153, Armament Plan, Mobilization Plan, Order of Initial Distribution, that is Aufstellungsgliederung, AG, and Order of Battle, Kriegsgliederung, KG, I would like to add that because of reasons of simplicity, since C-153 and 135 belong together I have treated them together. Therefore, I would like to make this statement for the record, that 153 is US-43, and may be found in British Document Document Book 10-1 on page 107. It has the heading "Armament Plan for the Third Armament Phase. It is a rather long document and is dated the 12th of May 1934.

I shall quote now the affidavit given by Lohmann on these two documents.

"The above named documents, submitted to me, deal with the order of initial distribution, the order of battle, the mobilisation-plan and the armament-plan. The first 3 plans or respective orders of distribution have essentially the same these, and differ only in their manner of composition. The armament-plan differs from the other plans in as much as it deals only with new construction and the required new materials, and is hence less extensive.

"The German Navy, like all the armed forces -- and no doubt the armed forces of every nation -- made such plans in order to be able, in case of a conflict or of war-entanglements, to prepare in time and use efficiently the means of combat on hand. Due to the change of conditions, military developments, change of personnel, and the advances in the techniques, such plans were newly revised every year. An essential part of these preparations, self-evident for any armed forces, consisted in the order of initial distribution, mobilisation - or battle order, which gave a survey of all naval installations on land and sea, their local defences and their tactical subordination, as well as of all war-material on hand and material to be secured within set time limits, or to be increased or newely organised. The military command based all its operative contemplations upon this order of battle, Kriegsgliederung, K.G., while the political leadership judged from it the possibilities according to the number and strength of the available military means.

"The order of battle always had to be prepared with very much foresight and was issued by the High Command of the Navy, the OKM, usually 1½ years

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before it was to go in effect, so as to enable the responsible offices to begin in time with the necessary preliminaries such as placing financial requests with the Navy-Budget-Office, requests for materials, steel, iron etc., in so far as all this was not already provided for in the peace-time expansion of the navy.

"When Hitler in 1933 in his Five-Year-Plan, demanded an armed force by 1 April 1938, which he could throw into the balance as an instrument of political power, the initial order of distribution of 1938, the Aufstellungsgliederung, was worked out independently of the yearly planned initial order of distribution, and up to 1935 it dealt mostly with the possibilities not yet exhausted, of the Treaty of Versailles and with supplementing the naval force with craft which was not limited in type or number. After the Naval Pact of 1935, the planned order of battle 1938 was replaced by an "order of battle, final goal", K.G. Endziel, in which the numb of warships on hand and those to be built of all types was to be in the proportion of 35:100 measured by the tonnage actually on hand in the English Fleet. In consideration of the monetary and material possibilities, the capacity of the shipyards and the long time required to build large warships, this final goal was in the meanwhile set for the year 1944-45.

"There remained always the possibility to shift it again, depending on the building program of the English Fleet.

"The various terminologies have only a naval technical significance and do not permit conclusions as to political plans."

I would like to point to a small error in translation in the English text. The word "terminierungen", translated "terminology" is, in my opinion, not correct. Instead of being translated by the word "terminology, it should most likely be "terms" or "termination".

BY DR. SIEMERS:

Q Witness, are these expositions set down by Vice Admiral Lohmann correct and how can you supplement this basic point of view.

A In these statements everything has been said which can be said on this matter. All these expositions are, in my opinion, preparations which are taken and have to be taken in every war navy if it is to be equipped according to plan and be ready for use.

It has been said on one occasion -- and it may be found in Document 135, page 1, under Figure 2 -- that because the tension between Germany and Poland became more critical, it forced us to use a practical instead of a theoretical preparation for war, and that was interpreted to mean that at some period of time -- I believe in the year 1930 -- we planned an aggressive war against Poland.

I testified yesterday that our work was carried through to meet this objective, an attack of Poland on East Prussia, and could not go beyond that. That was the objective of the work which we carried through, in case of an attack by Poland. At that time, an aggressive war against Poland or anyone else by the very weakly armed German forces would have been utter nonsense.

Then, since the year 1938 and the year 1944-45 recur constantly, I would like to point out again that the year 1938 first of all was the end figure of the Ship Armament Plan Phase 1, and these armored ships were to be built in '36 and '38.

Q I beg your pardon.

DR. SIEMERS: I would like to call your attention to the fact that this was Raeder Document No. 7.

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A (Continuing): Then Hitler decreed a Five-Year Plan, which incidentally ran from 1933 to 1938. The KG was to be set for the year 1938. Then the KG Endziel was set for the year 1944-45, and the reason for the setting of this date was, as it is set down in this document, the part that you have just read, that we needed that time for financial and material capacity to build large ships. This was not a period of time in which aggressive action was planned.

Q The expositions in C-135 are in accordance with the German-Engliah Naval Agreement, is that correct?

Perhaps I did not formulate my question clearly. When it was said that from then on a new plan was set up, it meant thereby that it was in accord with the German-English Naval Agreement?

A Yes, of course.

Q In any event, referring to C-135, under figure 8, it is to be understood and interpreted in that way, as saying "a new navy in accord with the German-British Naval Agreement?"

A Yes.

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Q NowI shall turn to anothe · topic, and I shall go back to the year 1933.

Grand Admiral, when did you meet Hitler, and did you have any connection with national socialism before 1933?

A I met Hitler on the 2nd of February 1933, at which time I saw him for the first time and talked to him for the first time. It was at the occasion of a festivity given by General von Blomberg at the home of the chief of the general staff, von Hammerstein, in the evening, and at which occasion the Reich defense minister, General von Blomberg, Hitler, the older generals who were in leading positions, and other generals were to be present.

Later I shall return to this occasion. But before that time, I had no connection whatsoever with national socialism. I knew only Admiral von Klewetzow; I had known him from the first world war. He had been on the staff of Admiral von Scheer, with whom I had many social connections, and who at a rather early date met Hitler.

From him I just heard that Hitler was very much interested in navy matters and had a surprisingly large knowledge of these matters. On the other hand, I do believe that von Klewetzow had talked to Hitler about his opinion of the navy. But beyond that, I had no other connections.

Q What caused you, Grand Admiral, in the year 1933, to remain in office, even though you had no connection with national socialism?

A The Reich president, Field Marshal von Hindenburg, at the same time commander-in-chief of the Wehrmacht, had called the leader of the largest party to be Reich Chancellor. I believe that if I had gone to him and told him I wanted to resign or had any intentions of resigning because he had called in a new chancellor, that he would without doubt have considered that an insult, and, indeed, would have dismissed me. I did not have any occasion at all to ask my superior to be relieved of my military position just because he in his capacity as Reich president had called in a new Reich chancellor.

Q And where did you for the first time hear Hitler give his basic

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directives about political matters?

A For the first time, on the date just mentioned, the 2nd of February, after the dinner at the home of General von Hammerstein. Before the dinner, I had met him, and after the dinner he gave a speech. He was accompanied by the foreign minister, Mr. von Neurath. There were no other party members present.

In his speech, he mentioned first of all his social and national aims, and spoke about the fact that he wanted equal rights for the German Reich. He wanted to recapture the equal rights, but also mentioned the fact that he would try to rid the country of the shackles of the Versailles Treaty, to restore national sovereignty to Germany within; and he also discussed his social aims, the establishment of a true community among the people, and the aims that the standard of living of the workers was to be increased, that agriculture was to be promoted, and that unemployment was to be eliminated; he emphasized especially -- and this seems to have been his main point -- that the entire policy -- that is, domestic as well as foreign policy -- was to be in his hands alone, that the Wehrmacht was not to have anything to do with this at all, that the Wehrmacht was not to be used in domestic unrests, and that he would have other forces to deal with these matters.

He said that the Wehrmacht was to be assured of a quiet development so that it could develop into that factor which would be necessary in order to prevent the Reich from becoming or being the "football" of eahte nations; and for that reasonit would be necessary for the Wehrmachtto devote its entire work in the coming years to the preparation of its main objective, the training for the defense of the country, so that, if necessary it could use its force. In that way, the Wehrmacht would be the only bearer of arms, and in that structure there was nothing to be changed.

As far as details are concerned, he did not enter into details at all.

It was rather a large circle that was gathered there. As far as belligerent or war intentions were concerned, they were not even mentioned.

This speech had an unusually calming effect on all who were present. He mentioned Vice President von Hindenburg, and appointed him as commander - i

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chief of the Wehrmacht with special honors. And one got the impression that he respected and honored very much this man who was honored throughout the land.

This speech was the sole basis which he gave me as chief of the navy, and gave to the chief of the army and the other chiefs.

Q Grand Admiral, when did you report to Hitler for the first time on the navy, and what was the basic position taken by Hitler at this occasion; that is, his position towards the navy?

A The first naval report I gave in the presence of General von Blomberg who was my superior, who was the Reich defense minister. I reported a very few days after this, but I cannot recall the exact date.

On this occasion, Hitler gave me the second part of the basis for my coming leadership of the navy. I told Hitler first of all about the position of the navy, about the rather small navy due to the Versailles Treaty, about the rather small power that it had, and about the political incidents, such as the Treaty of Washington, London, 1938, and then the Disarmament Conference; and about all of these matters he had been completely advised.

He said he wanted to clarify the basis of his policy to me, and this policy was to be put at the disposal of the navy. I remember those words especially well.

Q Please, not too fast.

A He did not under any circumstances wish to enter into any entanglements with England, Japan, or Italy, but above all not with England. And he wanted to document this by the fact that he would try in an agreement with England to establish the power ratio of the German navy versus the English navy. Through this step, he wanted to show that once and for all he wanted to give England the right in her dominating world interests, because of her interests all over the world, to have naval dominance. The German navy would have to be only in the framework of a European continental background; and the German navy would have to be developed only to that extent.

This was for me the second large principle according to which I headed

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the navy. The actual ratio of power between the two navies was not discussed at this time; rather, it was discussed later.

This decision on the part of Hitler was for me and for the entire navy, and it afforded extraordinary satisfaction, for it meant that we were now excluded from a senseless rivalry with the first sea power, and I saw the possibility of a solid and a gradual construction of our navy.

I believe that this decision was hailed in the entire navy with much joy and with much understanding; and later the same understanding met the Russian pact. The naval agreement meant a wonderful development.

There were people, but not in the navy, who were of the opinion that this was a going back. But this limitation was accepted with a great understanding by the majority of allGermans.

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Q Grand Admiral, how did you personally stand toward Hitler? How did you judge him in the course of the years? How did Hitler act toward you?

A I hailed the energetic personality, who seemed to be very intelligent who had tremendous will power, who was a master in the art of dealing with people and treating people, and according to my observation in the first years a very great politician, and who because of his national and social objectives which I have already named, had --

THE PRESIDENT: The Tribunal thinks this might be taken more shortly. We have heard it from so many of the others.

DR. SIEMERS: By that you mean the injecture of his relationship to Hitler at this point, the Tribunal considers that irrelevant?

THE PRESIDENT: He might do it shortly.

DR. SIEMERS: I ask you to be brief, please, Grand Admiral.

THE WITNESS: I would like to show only in this connection with Hitler just why at no period of time I left him, which is an accusation against me by the Prosecution, the fact I did not leave Hitler. The first steps which he undertook in domestic politics, as well as foreign politics, created without doubt a great wonder for his political craftiness and also brought forth the hope that since as he was taking the first step without loss of blood, and without entering into political intrigue, he would be able to leade us peacefully --

THE PRESIDENT: We have heard this as I have pointed out, as to this quality or power of Hitler's ability by nearly every one of the defendants and it is very cumulative, and if this defendant wishes to say he was greatly impressed by Hitler's qualities, that is quite sufficient. All of the rest is cumulative.

THE WITNESS: Very well. Then I should like to say only in the first year I had no cause to give any reason to think whether I should remain in my position or not.

DR. SIEMERS: Grand Admiral, at a later time we shall deal with this. Therefore, we shall now leave this point according to the wish of the Tribunal.

Q Then I shall turn to the German-British Navl Agreement and would like to ask you, but briefly, how did this naval agreement of 1935 come about. I

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am referring to Raeder Exhibit No. 11, in the Document Book, Roman Numeral I, page 59. This document contains the naval agreement in the form of a letter of the German Foreign Minister to the British Government. The letter contends it was established on the British side, as is shown by the introductory words:

"Your Excellency,

I have the honour to acknowledge the receipt of your Excellency's note of to-day's date, in which you were so good as to communicate to me on behalf of His Majesty's Government in the United Kingdom the following:"

On the part of the British the following statements were made:

"During the last few days the representatives of the German Government and His Majesty's Government in the United Kingdom have been engaged in conversations, the primary purpose of which has been to prepare the way for the holding of a general conference on the subject of the limitation of naval armaments. I now have much pleasure in notifying your Excellency of the formal acceptance by His Majesty's Government in the United Kingdom of the proposal of the German Government discussed at those conversations that the future strength of the German Navy in relation to the aggregate naval strength of the Members of the British Commonwealth of Nations should be in the proportion of 35:100. His Majesty's Government in the United Kingdom regard this proposal as a contribution of the greatest importance to the cause of future naval limitation. They further believe that the agreement which they have now reached with the German Government, and which they regard as a permament and definite agreement as from to-day between the two Governments" --

THE PRESIDENT: This is a well known document and the Tribunal will take judicial notice of it, of course. It isn't necessary to read it all.

DR. SIEMERS: Very well.

I should like to point out that according to the Document under Figure 2, small "f", on the part of the British Government it was recognized that as far as submarines were concerned, Germany was permitted to have the same number as Britain. At that time that was about 52,000 tons. That was more than a hundred U-boats. The Government of the German Reich obligated itself solely to be satisfied with forty-five per-cent of the total U-boat tonnage of the

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United Kingdom.

Q On the basis of such statements as to limitations, was it considered as a peaceful development on the par' of the Germans and was

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that hailed in the Navy?

A As I have already said it was met with great satisfaction.

DR. SIEMERS: Since an attitude dating to previous years has more weight than a declaration which is made here and now, I would like to submit Raeder Exhibit No. 12, Document Book Roman Numeral I, page 64. This document deals with a writing by Grand Admiral Raeder for the construction of the Officers' Corps. This is dated 15 July, 1935. It is dated sometime after the naval agreement was signed. At that time Raeder said and I quote the second paragraph:

"The agreement resulted from the decision of the Fuehrer to fix the ratio of the fleets of Germany and England at 35:100. This decision, arrived at after deliberations on European politics formed the point of departure for the London conferences. This decision was imperturbably adhered to and our demands were all together met. The underlying purpose of the Fuehrer's decision is the will to exclude the possibility of antagonism between Germany and England for all future times, and, consequently, to exclude naval rivalry between the countries forever."

And the sentence on page 66 is also important. The rest I wish the High Tribunal to take judicial notice of.

"Through the agreement the construction of the German Navy to the extent fixed by the Fuehrer was formally approved of by England."

Then comes the actual tonnage. Then I should like to call attention to the final sentence, which shows the position and attitude of the British at the time:

"In the political sphere this agreement is of importance since it represents the first step in a practical understanding, and because it brought about the first step to relaxation of the inflexible front up to now kept up against Germany by our former Allies, which was demonstrated recently at Stresa in particular vigor."

Q Grand Admiral, was this basis of a friendly development, was that followed in the next years?

A Yes.

DR. SIEMERS: In this connection, I should like to submit Raeder Exhibit No. 13. This is a document which makes it possible for me to dispense with testimony here in Court of Vice Admiral Lohman. In Document Book I, page 68,

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this Document is entitled: "The New Plan for the Development of the German Navy", and it is a basic piece of work. It is a report on the part of Vice Admiral Lohman, who in the summer of 1935, gave that speech at the Hanseatic University at Hamburg. I ask the High Tribunal to take judicial notice of this Document and it's vital points, and since this is a basic work which was engaged upon, and officially requested, I should like to quote the following only: Admiral Lohman sets forth first of all that because of the freedom of the armed forces the navy no longer had to adhere to limitation but that Hitler then insisted on this copy fromwhich I now quote to you verbatim:

"The Fuehrer, however, chose another way. He preferred to negotiate on the state of German Naval armament direct with Britain which, as our onetime enemy" - I beg your pardon, I am quoting from page 70 - "has tried for years to show an understanding for our difficult position."

And on page 71, and in this case Lohman speaks about reverberations which were misleading: -

"The more surprising then was the ratification of the treaty which expressed the full agreement of both governments,and did not, like some armament treaties of former times, leave more embitterment than understanding in its trail. The sense of fairness, which British statesmen, along all the often very dirty paths of higher politics, have not lost, broke through in view of the unreserved uprightness of the German declarations, the worthy decision of the German representatives and the passionate will for peace, whichinspire the speeches and acts of our Fuehrer. Unlike former times, the speeches of the British leaders expressed respect and recognition. And this has been acknowledged by us as a sign of an honest preparedness to understand. Hardly less valuable than the attitude of the official leaders are the voices from the circles of British war-veterans. For example: When, In November, 1918, the German Fleet was taken by British Squadrons to be interned in Scapa Flow, the British C-in-C Fleet, Lord Beatty, the great enemy of our Cruiser Admiral Hipper, gave the famous signal: 'Do not forget that the enemy is a contemptible beast,' this C-in-C Fleet expressed on several occasions his dislike for Germany. But on 26th June, the same Beatty stated in the House of Lords: 'I am of the opinion that we should thank the Germans, They came to us with hands outstretched, announcing that they agreed to the comparative strengths of 35:100.'"

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"If they had offered other proposals we could not have prevented them. It is truly and in fact a thankful fact that there is at least one country in the world whose competition in armament we do not have any need to fear."

Then I should like to refer to page 73 where the limitation on battleships was set at 35,000 tons. This limitation plays a part in the Prosecution document C.23. It is of a certain importance that in this document next to the words "battleship 35,000 tons" the words "Panama Canal" are mentioned. The limitation to 35,000 tons is not as significant and important as the Prosecution would like us to believe. This is the origin: The United States of America at that time wanted to limit the tonnage to 35,000 tons because of the Panama Canal, because if there had been any larger tonnage the Panama Canal would have had to be made larger. I shall return to this point later, since this limit of 35,000 tons was not maintained.

Then I should like to point to Page 67 where the tonnage figures are mentioned of 52,700 tons, as the proof that this was the point of departure for comparison with German U-boats. It is a matter of history and it is set down here that France did not participate in this limitation and at that time had 96,000 tons, from the lightest U-boat. 96 ready and 15 were in the dock. It is also know to history that Germany -- and this is shown on the same page-- always wanted to do away with U-boats. They agreed to an elimination, since 315 had to be destroyed after the first World War.

BY DR. SIEMERS:

Q. Grand Admiral, did the agreement with the British as is shown through these documents, did this show itself in other connections?

A. I tried to maintain a good agreement like this and to express my views to the British Navy and this took place, for instance, when through an English News agency through a phone call the death of the Admiral of the Fleet Jellicoe was made known to me. He served as the head of the Fleet in the first World War and he had been our opponent, and a very noble one. Through this agency I gave a message to the English fleet.

THE PRESIDENT: I doubt if this really has any effect on the issues we have to consider.

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THE WITNESS: In any event, I tried to bring about a good understanding with the British Navy in the future and to maintain this good understanding.

BY DR. SIEMERS:

Q. On the 17th of July 1937 there was a further German-English Naval agreement. It was signed on that date. I am submitting this document as Raeder Exhibit Number 14, Document Book I, Page 81. This is a rather lengthy document which has been translated and printed in the document book only in part, and in order to understand the infringement which the Prosecution accuses us of I have to refer to several points contained in this document. This agreement concerns the limitation of the naval armament and the exchange of information concerning naval construction and expansion. In Article 4 we find the limitation to 35,000 tons for battleship, a limitation which we have already mentioned; and in Article 11 and 12, articles which are shown, I will not read because of the technical character but which I ask the Tribunal to take note of -- these articles set forth the oblications on the part of both governments to provide annual programs of their vessels, and that is to take place within the first four months of each calendar year. The annual program is to be stated, and four months before the launching of the ship, information is to be given out. In order to understand this matter, that is, the naval agreement, and the accusations made against the defendant in this connection, I would like to refer to Articles 24 to 26. The three articles show --

THE PRESIDENT: Summarize these articles.

DR. SIEMERS: Yes. I did not intend to read them, Your Honor. I just want to quote a point or two from them.

BY DR. SIEMERS:

Q. In these articles the conditions and stipulations are mentioned according to which one of the two partners to the agreement could deviate from the agreement. Therefore, from the beginning it was considered competent to deviate from the agreement according to certain conditions. Under Article 24 if one of the partners was to be involved in a war, according to Article 25 in case another power, for

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instance the United States or France or Japan, and were to build a vessel or pu chase a vessel larger than those provided for in this agreement -- and in this article it says expressly under Figure 4 and refers to the limitation of battleships to 35,000 tons, -- one was bound, if there was any deviation, to notify their partners. According to Article 26, this shows the general basis for a deviation from the agreement in case it would be required by national security, I any such consideration obtained, it was possible to deviate. Details are not ne cessary atthis point as possible to deviate

SIR DAVID MAXWELL-FYFE: The deviation is subject to notification of the other party under sub-article 2. It was just relevant on 26, any deviation is subject to notification to the other party of the deviation.

THE PRESIDENT: Is it, Dr. Siemers?

DR. SIEMERS: Yes, of course. I believe --

THE PRESIDENT: Do the Prosecution say that this agreement was broken?

DR. SIEMERS: Yes. Tothe remarks just made by Sir David I would like to say that I referred to the fact that a deviation was permitted under these con tions but that theobligation was present that the other partners were to be n tified. Perhaps that did not come through before.

BY DR. SIEMERS:

Q Then in the year 1937, Grand Admiral, this agreement was concluded under the same point of view which you have already stated. Are any other fact remarkable? Facts which relate to the agreement?

A In 1936 the treaty which England had made up to that point, which sh had made with other powers -- these treaties had expired as I remember, and th fore it was the desire on the part of England in 1936 to renew these treaties and the circumstance that we in 1937 were asked to join the treaty which had i made by all of these powers, this fact of being invited meant that Germany fr now on would be included into the frame-work of these treaties.

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DR. SIEMERS: There seems to be a technical disturbance. I do not get the German on my mike. Neither does the witness, Neither do the court reporters.

(A short recess was taken.)

BY DR. SIEMERS:

Q The Prosecution has accused you that there were infringements against this German- English Naval Agreement, and this is found in the document C-23, equal to U.S.49; in Document Book 10. Page 3 of the British Delegation. This document is dated 18 February, 1938, It has been mentioned repeatedly in this proceeding and reads, at the beginning: "The true displacement of the battleships "Scharnhorst-Gneisenau" and "F/G" exceeds by 20% in both cases the displacement reported to the British." Then we find a list which shows that the "Scharnhorst" was given as 26,000 tons but the actual displacement was 31,000 tons, and in the depth that was given there was a difference of one meter. The "Bismarck" and "Tirpitz" were reported as 35,000 tons but had an actual displacement of 41.700 and there is a difference of 8 centimeters. Therefore, according to what we have seen, there is a clear infringement or violation of the Treaty. Grand Admiral, I am assuming that you do not dispute this violation of the Treaty?

A No, in no way.

Q However, at the time of this document there were only four battleships which we had to consider, the Scharnhorst, Gneisenau, Bismarck and Tirpitz --

THE PRESIDENT: It seems you are again stating these things to the Tribunal making ststements instead of asking questions of the witness.

DR. SIEMERS: I believe, Mr. President, that I was incorporating my documentary evidence to bring about a transition so that one could follow the story. I was about to put the question, and my question was: The four battleships mentioned, at the time of this document was drawn up, were they in actual service?

A No.

Q None of these battleships?

A No, not one.

DR. SIEMERS: If I am permitted to do so, I should like to refer to the fact that I have the exact dates of the putting in service of these ships, facts which would be hard for the witness to testify to. This is from an affidavit by Lohmann --

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THE PRESIDENT: I think you must prove them. You can't state them without proving them.

DR. SIEMERS: Yes. I am ready to do that, Your Honor.

I am referring to Raeder Exhibit No. 2, which has been submitted to the Tribunal already. This is the affidavit by Lohmann, Page 5 of Document Book 1, Page 8. I quote "The German Navy, within the bounds of the German-English Naval Agreement, the German Navy commissioned four battleships. As far as I can still determine with certainty the dates for the laying down, launching and commissioning, I am stating them herewith. "Scharnhorst" - laying down cannot be ascertained with certainty; launching, 3 October, '36; commissioning, 7 January, '39. "Gneisenau" - laying down cannot be ascertained by me; launching, 8 December, '36; commissioning, 31 May, 1939. "Bismarck" - laying down. 1936; launching, 14 February, 1939; commissioning, 2 August, 1940. "Tirpitz" - laying down, 1936; launching 1 April, '39; commissioning, 1941" Exact date cannot be ascertained by Admiral Lohmann. I would like to mention that the other ships mentioned under C-23 were each planned but in the summer of 1939 were broken up, and that applies only to the first letter "H". There were no actual final preparations.

Since the violation against the Treaty is very clear, it is important to determine how this violation is to be considered. The prosecution has said that this violation of the Treaty was criminal for it contained intentions of aggression. In order to save time, since there are technical problems involved, before I question the Defendant further I would like to refer to my documentary proof, which I am referring to with the permission of the High Tribunal, that Raeder Exhibit 15 is now being submitted by me, and, in my opinion, we can see from it that there were no intentions of aggression present here.

Raeder Exhibit No. 15 is an affidavit -- I beg your pardon -- it is Document I, Page 94. This document deals with an affidavit which was deposed at Hamburg on the part of Dr. Ing. h.c. Suechting, and this document is important for the reputation of Document C-23, and for that purpose, to refute, I

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should like to quote: "Iam the former ship building director of the ship-building-yard of Blohm & Voss in Hamburg. I was with this firm from 1907 to 1945, and I am conversant with all the questions of construction of capital and merchant ships, especially as engineer I was informed in detail about the construction of capital ships for the German Navy. Dr. Walter Siemers, attorney at law, at Hamburg, presented to me the document C 23, dated 18 February 1938, with the request to express my opinion about it. From this document it can be seen that the Navy-- contrary to the prior agreement -- informed the British about the displacement and the draught of the capital ships "Scharnhorst" and "Gneisenau" and in addition of some more designed capital ships of about 20% less than they naturally had. In order to explain why this information was given, I state the following: I believe the information given to the British, that according to Naval Agreement 4, had to be given four months before keel was laid down, was based upon the fact that the capital ships "Scharnhorst" and "Gneisenau" in the beginning were designed to be constructed with the given displacement of 26,000 tons and a draught of 7.50 meters, and the capital ship F("Bismark") with a displacement of 35,000 tons and a draught of 7.90 meters. If these capital ships were later built with a greater displacement and a greater draught, these changes were made upon orders or requests of the Navy that appeared during the working out of the plans and had to be fulfilled by the construction office. The changes were based upon the viewpoint again and again pointed out by the Navy, to construct the capital ships in such a way that would become as nearly as unsinkable as possible. The increase of the tonnage was meant to increase the offensive power of the ship --"I beg your pardon, Mr. President. "The increase of the tonnage was meant not to increase the offensive power of the ship but was done for defensive and protective purposes." I should like to offer that in the English text there is a mistake in translation. In this text the word "Not", n-o-t-, is missing. In the te.xt it says: "The increase of the tonnage was meant--" and it should read: "was not meant". "As for capital ships, the Navy increasingly in the course of time made a point of having the body of the

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ship divided into more compartments in order to make the ship as unsinkable as possible and the protection -- in case of water flooding the ship-- as good as possible. Therefore the new battleships were built with a great width, very many bulk-heads, with only about ten meters distance, and many length-and transverse bulk-heads outside the torpedo bulk head. At the same time the strength of the vertical, as well as the horizonatl armour, as far as I am informed, are greater and divided on wider spaces, as is used by other navies. In order --

THE PRESIDENT: In other words, his explanation is that they were altered in the course of construction for technical reasons. It doesn't matter what the technical reasons are.

DR. SIEMERS: I beg your pardon, Mr. President, but I do believe that when we are concerned with a violation of a Treaty, a violation which is known to be a fact, it is correct to show just how the violation took place. I do not believe that in each and every violation of a treaty one can say, that is a war crime. The point is whether this violation of the Treaty was a war crime in the sense of the Charter and therefore occurred with the intention to carry on aggressive wars. A harmless violation which, in the final analysis, takesplace in every commerce, that can not be a crime.

THE PRESIDENT: The affidavit is before us. We shall read it. In fact you have already read the material parts.

Now, I think we had better adjourn. How long do you expect to be?

DR. SIEMERS: Mr. President, it is very difficult for me to judge that accurately, but I would judge that I shall be able to conclude sometime tomorrow. I hope, Mr. President, that I shall be able to conclude at noon, but I am asking Your Honor to take into consideration that I must include my documentary proof in my testimony and this documentary proof will be dealt with in this connection in my case.

THE PRESIDENT: The Tribunal hopesthat you will make your presentation as short asyou possibly can. We have already been so long a time over this Defendant.

(A recess was taken until 1400 hours.)

File

H0133-0044

AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 16 May 1946)

ERICH RAEDER - Resumed.

DIRECT EXAMINATION -- Continued.

DR. SIEMERS: Mr. President, first I make a formal request, and will ask that I may have a second secretary here in the courtroom. She was here this morning, but she was just told she could not come into the courtroom, and she is outside the door now.

THE PRESIDENT: All right.

BY DR. SIEMERS:

Q Grand Admiral, youwere just referring to the affidavit of Dr. Suechting; is it true and by what process was the thought or idea based to enlarge the battleships by about twenty per cent?

A There was no intention to enlarge the ships by twenty percent at that time when we were beginning on the construction of the battleships again. When we could see that we would have a very small number of battleships, the thought arose that we should increase the unsinkability of the ships asmuch as possible in order to make the battleships as strong as possible. We had nothing to do with stronger armament, or anything like that; only the unsinkability and resistance against shots.

For this reason a new system was worked out at that time in order to strengthen the divisions of the ship, and the space within the ship. This meant a great deal more of iron had to be built into the ships, thereby, the draft and the displacement were made greater. This was unfortunate from my point of view; so we had projected the ships with a comparatively small draft, because then the lines of the draft are extremely shallow, whereas, ships with a deep draft could not go in and out in a tide. We wanted to build these ships with a small draft, and by building in these many new projects the draft became greater, and also the displacement.

Q Were these disadvantageous changes, which took place during the construction, partly because of the fact we had a comparatively slight

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experience in the construction of battleships?

A Yes. The designers in the shipyards of the Navy, and the designers and engineers in the big shipyards had for a very long time not built any big warships. They lacked experience, and as a result those disadvantageous changes became necessary. I close this second phase.

Q Did the construction of these four battleships with their total tonnage surpass the tonnage accorded by the Fleet Agreement?

A No, the total tonnage was not surpassed until the beginning of the war.

Q Grand Admiral, in this connection I should like to refer to Raeder's Exhibit No. 8, which has already been submitted, document book No. 1, page 40, under Roman numeral II. This affidavit at the moment gives the comparative figures, which show how much battleship tonnage Germany had according to the Naval Agreement. Please take notice of it. I won't read everything, but the only important thing is that according to comparison with the English figures, Germany had 183,750 tons, at that time, and we had 3 armor cruisers with 30,000 tons, so that according to this affidavit we s till had 153,750 tons.

In Raeder Exhibit 127 I should like to submit a short correction, because, Grand Admiral Raeder, in looking through the affidavit, observe that Vice-Admiral Lohmann made a mistake in one figure. The mistake is unimportant, but in order to be absolutely fair and correct I thought it necessary to point it out to Vice-Admiral Lohmann.

Instead of 30,000 it should be about 34,000 tons, so that there is a difference not of 53,750 tons but of 149,750. We were allowed to build 146,000, the final figure, so that the result is not changed. Thus, Admiral's Lohmann's mistake -- as the Tribunal knows -- is attributable to the fact that we were very limited in our statistical resources.

A May I add a sentence to what I said before? The indication of this displacement deviated from the terms of the treaty in so far as the original construction displacements were reported and not the draft and displacement which resulted in the course of the construction through these changes.

Q In addition, may I refer the Court to the following: The Naval Agreement of 1937 was changed by the Protocol of London, June 1938 -- I refer to Raeder Exhibit 16. My secretary has told me it isn't here at the moment; I will bring it up later.

The last document in document book 1, on page 97 -- may I remind the Court that Document C-23 is of February, 1938. This London Protocol at the suggestion of the British Government, the limitation for battleship tonnage to 35,000 tons was changed because the British Government as well as the German Government realized that 35,000 tons was too low. As the Protocol shows, effective 30 June, 1938, the battleship tonnage was raised to 45,000 tons. A few months later this difference in the battleships -- in Document C-23 -- was settled.

Now, I shall take up a new subject, the question of your participation in the planning and conspiracy to wage wars of aggression. This is the question of the so-called key documents which the Prosecution admitted. In these speeches of Hitler's to the commanders-in-chief, I must ask you to comment on these documents. The first document is 386-PS, US-25, in the document book of the British Delegation No. 10, page 18. It is Hitler's speech of the 5th of November, 1937.

Grand Admiral, did you ever see this document of Rossbach?

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A No. I saw no document and no Protocol; and any speeches which Hitler made, no minutes were taken officially. In later years -- I believe in 1941 -- stenographers were present who wrote down every word. These are really not minutes but a taking-down in indirect discourse. It was written down five days after the speech itself, as I have heard.

Q Although it is a very important document, I have noted that in contrast to other documents it has no distribution. It was written down five days after the speech and is not even marked "secret". Can you explain where these minutes were set down?

A I don't know; I can only imagine that the adjutant in question kept the minutes in his secret cabinet.

Q You only have an over-all impression of this speech then, after eight or nine years.

A Yes.

Q The document was read in full here by the Prosecution, and as can be clearly seen, it contains references to a war of aggression. There is, for instance, a mention of "testament," of the problem of space, the enemies -- England and France; it says that armament was almost completed; the first goal is to overthrow Czechoslovakia and Austria.

Please explain to the Court what effect the speech had on you and howit happened that you did not ascribe such importance to the speech as, for example, Mr. von Neurath who was also present? And in spite of the speech how did you retain your opinion that Hitler would hold the old line and not seek a solution by force?

A By way of introduction I may say that the assertion that an influential group of Nazis met in order to examine the situation does not characterize the situation correctly. Hitler called together the persons mentioned in the document, to explain to them the political possibilities for development and in order to give them any instructions he might have.

And here I should like to say something general; There were a number of Hitler's speeches. I should like to comment on the type of his speeches. Hitler spoke a great deal. He went very far afield. Above all, in every speech he had a special purpose, that depending on the listeners. Just as he was a master of dialectic, he was also a master of bluff. He used strong expressions, depending on the purpose. He let his imagination play. He

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contradicted himself frequently in successive speeches. One never knew what his last goal and intentions were. At the end of such a speech it was very difficult to decide that. As a rule, his speech made a greater impression on people who heard him very seldom than on those who knew his manner of speaking on such occasions. It was never a question of a consultation but as has been said, always in giving of orders without discussion.

The purpose of the speech on the 5th of November, 1937, as Reichsmarshal Goering said at the beginning --

Q Excuse me, that is at the beginning?

A Yes, at the beginning of the speech. He told me he had spoken with the Fuehrer beforehand. The Fuehrer wanted to spur on the Army to be a little quicker in rearmament. It was going too slowly for the Fuehrer. The object of the speech was Austria and Czechoslovakia, which he said he wanted to overthrow. He said that the latest date would be 1943-1945, that after that our situation would become worse. But the case could come up earlier under two conditions: In the first place, if the internal unrest occurred in France, in the event of a Mediterranean war -- which in my opinion was fantastic -- in which England, France, Italy and I believe Spain would participate.

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The assertion that the armament of army, navy, and luftwaffe was practically concluded in November, 1937, I could not understand. The Navy had notyet a single battleship in service. It was similar with the luftwaffe and with the army. We were in no way armed for war and a war against England, for example, would have been made necessary. As for me, the decisive sentences in his speech were that first, England and France, I believe, have already gotten rid of Czechoslovakia; and, second, I am convinced that France and England would not interfere. In the third place, the fact that a few months before, in July, 1937, the second naval agreement had just been construed. These three facts seemed to me to make it certain that Hitler would not seek a warlike solution of these questions, Austria and Czechoslovakia, under any circumstances; but that he would strive for a peaceful solution.

For that reason the speech did not make the impression on me that at that time Hitler wanted to change his policy; that he wanted to turn from peace policy to a war policy. I could imagine that Mr. von Neurath, who did not know the purpose of this speech, received a different impression. But, as I now think back over the matter, I can imagine that this exaggerated character of the speech was intended to force von Neurath out of the cabinet because I have learned that at that time there was already an inclination in the Fuehrer to replace von Neurath with von Ribbentrop; but that is only an assumption which I have had afterwards.

I concluded from this speech as follows: The construction of the fleet in the proportion of one to three to England was to be continued, and from the relationship with England was said to be maintained. The agreement which has just been construed was to be observed.

Q And, Admiral, at the end of the document, in the fourth paragraph from the end, Fieldmarshal von Blomberg and General Oberst von Fritsch, in giving their estimate on the situation, repeatedly pointed out that England and France must not appear as our enemies. And then it is said:

"One sees that Blomberg and Fritsch were disturbed and the case occurred that they contradicted Hitler."

After the speech you talked to Blomberg. Is it true that Blomberg, who can unfortunately not be examined, and Fritsch, who is also dead, that they saw through this exaggeration of Hitler's and, therefore, pointed out the

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misgivings and wanted to exert some influence on him. What was your talk to Blomberg about after this speech?

A In the first place, Blomberg and Fritsch --

THE PRESIDENT: You must try not to put leading questions, Dr. Siemers. You are putting into the witness' mouth what you want him to answer. If you want to --

DR. SIEMERS: I am sorry I did so. It is a little difficult when the two men who were there, Blomberg and Fritsch, are dead. I only wanted to point out that they are not alive.

THE PRESIDENT: That cannot be helped, the fact that they are dead. But, if you want to get anything in about that, you must get it from the witness, not yourself.

BY DR. SIEMERS:

Q What impression did Blomberg have after this speech? What did he say to you afterwards?

A Blomberg himself, in a questionnaire on Fieldmarshal Keitel, confirmed that when the military men leftthe room. Blomberg, who was with the Fuehrer most often, said that had not been meant so seriously and was not to be judged so seriously. He believed that the Fuehrer would settle these questions peacefully, too. And, beforehand, as Dr. Siemers said, Blomberg and Fritsch had both called the attention of the Fuehrer to the fact that under no circumstances could England and France intervene since the German Wehrmacht would not be able to deal with them.

I may add that in this case I intentionally did not make any such objections because that was a daily occurrence. Whenever I met the Fuehrer, I told him, "We must remain on the course to avoid becoming involved with England." And the Fuehrer repeatedly confirmed this intention of his. It is typical that Hitler, at the moment when the chief of the army command, General Oberst von Fritsch, said that in the winter of '37-'38 he would not be able to take the vacation in Egypt which he had planned for his health. The Fuehrer immediately took it back and said that the affair was not that urgent; he could go ahead and go on vacation, which he then did.

This shows that it was again a question of exerting pressure. That was the speech of the 5th of November, 1937. He did not crush either Austria or Czechoslovakia. Butin 1938, the question was settled peacefully, without bloodshed, and with the agreement of the other powers.

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Q In this connection may I submit the document from thenext year, Raeder Exhibit No. 23, document book 2, page 127. On 30 September, '38 -- I need not say anything further about Munich because the defendant was not directly participating. -- Hitler and Chamberlain jointly declared that the agreement signed last night and the Anglo-German naval agreement are considered symbols of the desires of both the people never again to wage war against each other. The rest of the contents are known.

Then I come to the second key document which the Prosecution submitted, L-79, document book 10 of the British delegation, on page 24. The document, in spite of its astonishing length, was also read in full by the Prosecution so that I will not read from it. May I remind the Court, t hough, that it mention further successes could no longer be achieved without bloodshed. On the 23rd of May, 1939, Poland and Danzig was not the object but lebensraum.

THE PRESIDENT: Will you give us the reference? The reference we got was document book 10, page 24.

DR. SIEMERS: 74.

THE PRESIDENT: 74, was it?

DR. SIEMERS: Yes.

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BY DR. SIEMERS:

Q. It speaks of the extension of lebensraum. The Polish problem can not be separated from an altercation in the west. Thereupon Hitler said that the decision remained to attack Poland at the best opportunity. Unfortunately, this is again a document which is undated.

Do you know when Lieutenant Colonel Schmundt prepared this report?

A. No, I can not say.

THE PRESIDENT: Why do you say it is undated?

DR. SIEMERS: Mr. President, there is no date when the document was prepared. There is only the date of "Minutes of Conference of 23 May." In the case of Hossbach the conference was on 5 November, but it was written down five days later from memory, on 10 November. In the case of Schmundt, we do not know whether it was written down after one day, five days or four weeks.

THE PRESIDENT: Is it in evidence that the document of 5 November was written down five days later?

DR. SIEMERS: No, the document of 5 November shows that it was prepared five days later. The document is dated at the top Berlin 10 November 1937, Notes on the Conference in the Reichschancellory on 5 November 1937.

THE PRESIDENT: Well, that is right, the; there is evidence.

BY DR. SIEMERS:

Q. In the case of Schmundt, there is no indication?

A. No.

Q. You do not know when it was written down?

A. No.

Q. Did you ever see this document before this trial?

A. No.

Q. Does this document contain a correct reproduction, in all points, of Hitler' speech, or is it true what you said about the Hossbach document?

A. It is even more true. In my opinion, it is the most unclear document on a Hitler speech which is at all available. A large part of the statements in my opinion have no sense at all, as I will show. The adjutant wrote down that only the sense of the statements was taken down.

DR. SIEMERS: This is on the first page in the center.

H0133 - 0053

BY DR. SIEMERS:

Q. Please explain to the Court what impression this speech made on you at the time and why you believed, in spite of this speech, that Hitler was not planning any war of aggression.

A. I should like to point out that the trial brief says in this case it does not reproduce the character of the speech correctly. The whole first part of the speech, as I said, is extremely unclear. In the 1937 speech, 1943 to 1945 was given as the latest date, and the remote possibility was given of an earlier date. Here Hitler speaks of fifteen to twenty years in which solution would be necessary. He says that Poland is still on the side of the enemy, in spite of the Friendship Treaty. "Her intention is to take advantage of any opportunity against us." For that reason, he wanted to attack Poland at the first opportunity. The Polish problem was inseparable from the conflict in the west, but a simultaneous conflict in the west could not be permitted. In the course of a German-Polish conflict, a war with the west would remain impossible. Then the battle would be against England and France. Then he says that we could not allow ourselves to be drawn into a war with England through Poland. A war on two fronts seemed impossible then as in 1914. The, again, England -- and that is comparatively new here -- is the mortar driving against Germany. We should prepare for a long war, aside from a surprise attack, apparently with reference to England. It is astonishing that we were to endeavor at the beginning of such a war to strike a destructive blow against England. The goal is to drive England to he knees.

THE PRESIDENT: Dr. Siemers, the defendant appears to be reading from a document an argument about this document. That is not giving evidence. If he can tell us anything about what happened at this meeting, it is open to him to do so.

DR. SIEMERS: He says that, with the aid of this document, on the complicated thoughts which Hitler expressed at that time, he is pointing out the contradictions contained in Hitler's speech at that time.

H0133-0054

THE PRESIDENT: That is the argument, to point out that there are conflicts between one part of the document and another. That is not the subject of evidenc

He has already told us that Hitler's speeches -- that one speech generally contradicted another, but we can see for ourselves from the document if one part of it conflicts with another.

DR. SIEMERS: Is it not of importance, Mr. President, that the unclear st statements of Hitler at that time had such an effect on the witness that he says so and so many points are false? Then the whole tendency which we read out of it cannot be true. As I understand the witness, Hitler must have had another thoug in the back of his mind if he said such unclear things to the Commanders, but I believe we can shorten it.

BY DR. SIEMERS:

Q Grand Admiral, according to the wish of the Court. Just explain what th effect was on you and what the special thoughts are connected with this document

A I only wanted to show by opp ing these sentences how unclear the speech was. At the end there is a second part in which a number of doctrinaire, academ thoughts on warfare are expressed, and they conclude by saying that it was also Hitler's wish that a study staff should be formed in the OKW which would work out all these plans for the preparation for war, evaluation of the various weapons, etc, eliminating the General Staffs, with which he did not like to collaborate. He wanted to have these things in his own hands. The formation of the study staff --

THE PRESIDENT: Dr. Siemers, I have already told you that the Tribunal thi that argument is not evidence. This seems to be purely argument upon this document. If there is anything in the shape of recollection as to what passed at this meeting, that would be evidence, but merely to argue upon the document is not in evidence.

DR. SIEMERS: Mr. President, may the witness not say what effect Hitler's processes of thought had on him?

The Prosecution says that Hitler and --

THE PRESIDENT: Can you say that he did not understand or did not think it was sincere?

DR. SIEMERS: In this connection, I should like to point out to the witnes referred to this point because this was the only place where the Prosecution di not read this document. In this document, the sentence about the study staff, I

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noticed immediately, were not read. This study staff was what Hitler wanted to achieve.

BY DR. SIEMERS:

Q Mr. Grand Admiral, after this speech, was anything changed in your department?

A No. The conclusion which was drawn was, first, that the ship construction program was to be continued as in the past. Hitler said so himself. In the second place, he said that the armament programs were to be adapted to the year 1943-1944. That was the positive thing which I could take away from the meeting.

At that time, moreover, I was strongly impressed by the speech which Hitler himself made at the launching of the battleship "Bismarck" in Hamburg. There he said that the Wehrmacht, as the sharpest instrument of war, had to protect the peace of true justice. That was what made the greatest impression on me at that time. In regard to Hitler's intentions. It was completely incompetent , incapable --

H0133-0056

THE PRESIDENT: Dr. Siemers, if there are any passages in this document which have not been read and to which you attach importance, you may read them now and for the rest, all that the Tribunal think you ought to do is to ask the defendant what his reaction was or what happened at that meeting and if he can supplement the document as to what happened at the meeting, he is entitled to do so. The Tribunal doesn't intend to prevent you reading anything from the document which has not yet been read nor from getting from the witness anything which he says happened at the meeting.

DR. SIEMERS: Mr. President, I understoood the witness to mean that he recalled the Study-Staff which the prosecution did not mention; this is how it happened, that the witness, since he knows the document, too, and at the same time, points it out that the Study-Staff was also mentioned in the document. I believe that can explain the misunderstanding. Perhaps I may read this sentence.

THE PRESIDENT: Yes, certainly.

DR. SIEMERS: Under No. 3, towards the end of the document, it says: "To study weak points of the enemy, these studies must not be left to the general staff. Secrecy would no longer be guaranteed. The Fuehrer has therefore decided to order the formation of a small planning staff, containing representatives of the three parts of the Wehrmacht and the three commanders-in-chief and chiefs of the General Staff. The staff will keep the Fuehrer informed. The planning staff is responsible for the planning of operations and the decisions."

THE PRESIDENT: Wait a minute, a passage is left out in the English translation. The copy I have before me says "These studies must not be left to the General Staffs; secrecy would no longer be guaranteed," and then it goes on "This staff will keep the Fuehrer informed and will report to him." I know it is very important. Go on.

DR. SIEMERS: This paragraph about the planning staff in the High Command was submitted in the English. "The purpose of certain regulations concerns no one outside the staff; however great by the increases in the armaments of our adversaries, they must at sometime come to the end of their resources and ours will be greater. We can recruit (?) one hundred twenty thousand men in each age class. We shall not be forced into a war but we shall not be able to avoid one. This planning staff, in effect, eliminated

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the commanders-in-chief. That was what Hitler wanted to achieve. If I am correctly informed, the rest has been read by the prosecution --- the purpose and the principle of the order to keep everything secret, and at the end, that the shipbuilding program should not be changed,--the armament program to be postponed until 1943 or 1944.

Q If Hitler at this time had intended a war of aggression, would he have had to force any particular part of the navy armament?

A He would have had to force the whole navy.

Q Would the conception of submarines not have to be forced especially?

A Yes, of course, because they can be built most quickly.

Q How many submarines did you have at this time?

A I can't say exactly, I think about twenty-six.

Q If I remember rightly, Grand Admiral Doenitz answered that there were fifteen capable of sailing in the Atlantic?

A Yes.

Q Grand Admiral, in the winter of 1938-1939, did you have a talk with Sir Neville Henderson on relations between Germany and England?

A Yes, a very short talk at an evening reception at the Fuehrer's, where I talked to Ambassador Henderson and Mr. von Neurath, and where the question was discussed -- it was brought up by me whether Eng land would accept Germany's offer to set the proportion of strength at one to three and hadn't welcomed it and would not draw certain conclusions from this proportion. Ambassador Henderson answered, when no one else had brought up this question, "Yes, that would be shown in the future when the colonial question was settled." I later reported this answer to the Fuehrer in order to use it to maintain a friendly policy toward England.

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Q We are now at the summer of 1939. Grand Admiral, in the course of the summer, after the speech of 23 May 1939, did you talk to Hitler on the generally known war danger, and what did he tell you?

A If I talked to the Fuehrer, whenever I talked to the Fuehrer, I brought up the question of England. I urged him in that connection and I tried to convince him that it would be possible to maintain a peace policy with England which he, himself, at the beginning of his government had instituted. He always reassured me that it remained his intention to carry on a peace policy with England and he always convinced me that there was no danger of a clash with England. In any case, at this time there was no such danger.

Q Now, I come to the third key document, Hitler's speech before the supreme commanders on 22August 1939, at the Obersalzburg -- 1014-PS and 798-PS. 1014-PS is US-30 and document book 10-A, page 269 and 798-PS is US-29, and document book 10-A, page 266. In this document 1014-PS which I have here in the original, in the form submitted by the prosecution, I should like to make a formal request. This No. 1014-PS is on page 194 in the German minutes, in the English minutes page 371. I object to the use of this document. I request that this document be stricken from the minutes of the meeting and for the following reasons.

THE PRESIDENT: What document are you speaking about now, 1014-PS?

DR. SIEMERS: In document book 10-A, page 269, US-30.

THE PRESIDENT: Very well, what are your reasons?

DR. SIEMERS: The things which were mentioned in the other minutes are much greater here. This document is nothing but two pieces of paper headed "Second Speech by the Fuehrer, on 22 August 1939". The original has no heading, has no number, and no notice that it is secret; no signature, no date.

THE PRESIDENT: The Tribunal would like to look at the original. Yes, Dr. Siemers.

DR. SIEMERS: It has no date, no signature -- in the original in the folder, it has no indication of where the document comes from. It is headed "Second Speech...", although it is certain that on this date Hitler made

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Hitler made only one speech, and it is hardly one and a half pages long.

THE PRESIDENT: When you say it has no date, it is part of the document itself which says that it is the second speech of the Fuehrer on the 22nd of August 1939.

DR. SIEMERS: I said, Mr. President, it has a heading --

THE PRESIDENT: But it has no date.

DR. SIEMERS: It has no date as to when these notes were taken down. It has only the date of when the speech is supposed to have been made. Mr. President, on all documents which the prosecution submitted, you will find the date of the session and the date on which the minutes were set up; also the place where the minutes were set up, the name of the person who set it up, or reference that it is secret. It is certain that Hitler spoke for two and a half hours. I believe it is generally known that Hitler spoke very fast. It is quite out of the question that the minutes could be one and a half pages long, and if it is to give the meaning and the content to any extent, it is important. Then I should like to refer to another point. I will submit the original afterwards. I am no expert on handwriting but I notice that this document, which is also not signed, we do not know where it comes from, but it is a captured document.

THE PRESIDENT: You say we don't know where it has come from -- it is a captured document covered by the affidavit which was made with reference to all other captured documents.

DR. SIEMERS: Yes. I would be grateful to the prosecution, if in the case of such an important document, the prosecution would be so kind -- in order to settle the really accurate contents -- as to indicate exactly from where it originates. If it wasnot taken down by Schmundt or Hossbach or anyone and has no number, it is only loose pages.

THE PRESIDENT: I don't know whether the prosecution can do that but it seems to me to be rather late in the day to ask for it.

MR. DODD: Mr. President, I don't know what the exact origin of this document is offhand but I expect that we could probably get some information before the Tribunal if the Tribunal wishes us to do so but as the President pointed out, it is a captured document and everything that counsel says about it seems to go to its weight rather than to its admissibility.

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THE PRESIDENT: The Tribunal would like to know where the document was found, if that is possible.

MR. DODD: I willmake an effort to find that out.

DR. SIEMERS: Mr. President, Mr. Dodd just pointed out that my objection comes rather late. I believe I recall correctly that objections -

THE PRESIDENT: I think it was I who pointed it out, not Mr. Dodd.

DR. SIEMERS: Excuse me. I believe I recall correctly that the defense on several occasions raised objection during the Prosecution's case, and they were told that all statements could be made during the defense case at a later time, during the case of the defendant.

THE PRESIDENT: I only meant that it might not be possible at this stage to find out exactly where the document came from, whereas if the question had been asked very much earlier in the trial, it might have been very much easier. That is all I meant. Have you anything more to add upon why, in your opinion, this document should be stricken from the record.

DR. SIEMERS: Yes. I should like to point out, Mr. President, that I do not do it for formal reasons. It is a very important reason.

In this document are the most important words constantly repeated by the Prosecution in the past. The words, "destruction of Poland in the foreground," "aim is removal of living forces, not arrival at a certain line"-- these words were not spoken, and such a war aim the German High Commanders would not have agreed to.

For that reason it is important to ascertain whether this document is genuine or not.

In this connection, may I remind the Court that there is a third version of this speech as mentioned in this court rom, L-3, which is even worse than these and which was published by the world press. Wherever one spoke to anyone this grotesque, brutal speechwas brought up. For that reason it is in the interest of historical truth to ascertain whether Hitler in this horrible way spoke at this time.

Actually, I admit he used many expressions which are sharp, but he did not use such words. For the reputation of the commanders who were present,

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this is of great significance.

Let me point out the next words. They say expressly, "Have no pity," "brutal attitude." Such words were not used. I will be in a position to prove this by another witness, General Admiral Boehm.

I therefore request the Court to decide on my request for striking this document from the records. I should like to point out that the document at many points is mentioned in the record. In case the Court wishes, I shall have to look for all the points. I have found only four or five in the Germanrecord. If necessary, I would have to give all the points in the English record. It was submitted on page 371.

THE PRESIDENT: I don't hink you need bother to do that. You are only now upon the question of whether the document should be stricken from the record. If it were to be stricken from the record, we could find out where it is.

Is that all you wish to say?

DR. SIEMERS: One question to Grand Admiral Raeder.

BY DR. SIEMERS:

Q The words which I just read, "brutal attitude," "elimination of living forces" -- were these words used in Hitler's speech at that time?

A In my opinion, no. I believe that the version which General Admiral Boehm submitted on the afternoon of the same day he wrote it down is the version nearest to the truth.

DR. SIEMERS: High Tribunal, in order to achieve clarity on this question, I submit as Raeder Exhibit Number 27, Document Book 2, page 144, an orderly reproduction of this speech.

THE WITNESS: May I have Document Book II?

DR. SIEMERS: The manuscript of General Admiral Hermann Boehm. General Admiral Boehm was present at Hitler's speech on 22August, 1939, at the Obersalzberg. He made the notes during the speech. He transcribed them in the present form on the same evening -- that is, on 22August, 1939 -- in the Vier Jahreszeiten Hotel

in Munich, I have certified the correctness of the copy. The original is in the handwriting of General Admiral Boehm. Boehm has been called by me as a witness witness for various other questions. He will confirm that the speech was made in in this form as I have submitted here. A comparison of the two documents show that the words, "brutal attitude," are not contained in this speech. It shows further --

SIR DAVID MAXWELL FYFFE: (Interposing) Surely this part of Dr. Siemers' argument must go to weight. He has said that a comparison of the two documents shows such and such. I have just looked at the end of Admiral Boehm's affidavit, and it contains, I should argue, every vital thought that is contained in Document 1014. But whether it does or not, that is a matter of weight, surely.

We cannot, in my respectful submission, go into intrinsic comparisons to decide the admissibility of the document. As I say, on that I should have a great deal to say by comparing the documents in detail. That is not before the Tribunal now.

THE PRESIDENT: Yes. The Tribunal was only wanting to hear whatever Dr. Seimers has got to say upon the subject.

DR. SIEMERS: A comparison of the document with 798-PS, also the longer and better version which the Prosecution submitted --

THE PRESIDENT: (Interposing) Dr. Siemers, as Sir David Maxwell Fyffe has just pointed out, a mere comparison of the two or three documents doesn't help us as to its admissibility. We know the facts about the document. It is a document in German, captured among German documents.

DR. SIEMERS: I understand. I made the statement only in order to show that I am not raising objections for formal reasons but because the thing is actually of great importance.

THE PRESIDENT: Well, then, you will be able to urge that when you make your speech in criticism of the document as to its weight. You will be able to point out that it doesn't bear comparison with a more full document taken down by Admiral Boehm or with the other document.

DR. SIEMERS: To explain my formal request, I refer to my statement on the formal character of the document which I submitted.

THE PRESIDENT: Yes.

The application to strike out Document 1014-PS is denied.

We had perhaps better adjourn now.

(A recess was taken)

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THE PRESIDENT: Does counsel for the prosecution understand that the Tribunal wishes to have information as to where that document was found?

SIR DAVID MAXWELLFYFE: Yes, My Lord; we will do our best to get it.

THE PRESIDENT: Yes, and also the other document, 798.

SIR DAVID MAXWELL FYFE: Yes, if Your Lordship pleases.

BY DR. SIEMERS:

Q Grand Admiral, I submitted document Taeder-27, which is the Boehm version, to you. You have read the speech in this version. Is this reproduction correct on the whole, in your recollection?

A Yes. In my opinion, this version is that one which corresponds most closely to reality. I remember especially that Hitler devoted a large part of his position to the point that England and France would not intervene, and he also cited the reasons for their non-intervention. I was missing just that point, in its entirety, in the other reproductions of the speech.

Q In the version of the speech in US-29 it says, verbatim: "I am only afraid that at the last moment some dog will give me some plan of arbitration. Were those words used in the speech at that time?

A In my recollection, certainly not. The Fuehrer was not accustomed to using words like that in speeches which he made to the generals.

Q On the other hand, the version put forth by Boehm shows that Hitler had, from that time, decided to attack. I am asking you to give us the impression, briefly, which the speech made on you at the time. Tell me also why, despite this speech -- that is, this version -- you remained as Commander-in-Vhief of the Navy.

A Without doubt, I had the impression that the situation was serious and tremendously tense. The fact is, however, that Hitler, in his speech, put great stress on two facts: first, to prove that France and England would not intervene; and second, that Mr. von Ribbentrop, the Foreign Minister, left for Moscow on the same day to sign a pact there, as we were told. Thes things filled not only me, but other listeners as well, with the strong hope that here again a large political play was present on the part of Hitler and that in the end he would be successful insolving this problem in a peaceful way.

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Therefore, I saw no reason to resign my office at that moment. I would have considered a step like that pure desertion.

DR. SIEMERS: May it please the High Tribunal, in this connection I would like to submit my two documents, Raeder Exhibit 28 and 29, and I ask tha the High Tribunal kindly take judicial notice without my quoting from these documents.

BY DR. SIEMERS:

Q The prosecution has cited document C-155 and has accused you, through this document --

SIR DAVID MAXWELLFYFE: My Lord, the documents to which Dr. Siemers has just referred -- Raeder's documents numbers 28 and 29 -- the first is a memorandum of General Gamelin and the second is a letter from General Weygand to General Gamelin of the 9th of September 1939.

Your Lordship will remember that the prosecution objected to these documents as being irrelevant, and, My Lord, the prosecution maintains that objection.

I don't wish to interrupt Dr. Siemer's examination any more than is ndcessary. If at the moment he is merely asking the Tribunal to take judici notice of the documents and does not intend to use them, it would probably be convenient, in order not to interrupr the examination in chief, that I should merely indicate formally that we are maintaining our objection to the documer

Of course, I am at the disposal of the Tribunal.

THE PRESIDENT: Is the position that they were allowed to be translated and put in the document book, but no further order of the Tribunal has been given?

SIR DAVID MAXWELL-FYFE: No further order has been given and therefore, My Lord, it is still open to us to object, as I understand the position.

THE PRESIDENT: Well, perhaps we had better deal with it now then.

SIR DAVID MAXWELLFYFE: If Your Lordship pleases.

DR. SIEMERS: May I make a few remarks on this point?

THE PRESIDENT: Well certainly, but we had better hear the objection first, hadn't we? And then we will hear you afterwards.

DR. SIEMERS: Yes, Mr. President, as you wish. This is a rather forma

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point. I believe that Sir David erred slightly in referring to document number 28. There was no objection to this document, Your Honor; only against 29 was there an objection by the prosecution.

SIR DAVID MAXWELL-FYFE: My friend is quite right; we did not object to the translation of 28. However, My Lord, it falls into the same category as 29, and I would still raise an objection.

I apologize to Your Lordship if I conveyed the impression that we had made an objection before.

My Lord, number 28 is a letter from General Gamelin to M. Daladier, on the 1st of September, 1939, in which General Gamelin gives his views as to the problem of the neutrality of Belgium and Luxembourg, and contrasts that view with the view of the French Government.

Now, My Lord, I submit that that expression of opinion on the part of General Gamelin is in itself intrinsically too remote from the issues of this trial to be of any relevance or probative value.

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Then, apart from its intrinsic nature, the position is tha this was a document which, as I understand from Dr. Siemers' verification on page 158, is taken from the White Book of the German Foreign Office, from the secret files of the French General Staff, which could not have been captured until sometime after June 1940. Therefore, as a secondary reason, it can have no relevance to any opinion formed by the defendant Raeder in September of 1939.

My Lord, the second document is, as I said to the Tribunal a letter from General Weygand who was then the Commander in Ch of the French Army in the Levant, to General Gamelin. It describes a plan which General Weygand had in mind with regard to possible operations in Greece. My Lord, nothing came of these operations before June 1940, when an armistice was made Marshal Petain on behalf of part of the French people, althoug not, of course, of the whole, and it can have no relevance to October 1940 when Greece was invaded by Italy or to the positi at the end of 1940 and the beginning of 1941 when the invasion of Greece begins to be considered in the German directives and operational orders which have been put in before the Tribunal.

That is the first point, and the same secondary point applies, that it was also a captured document which could not have been captured before June 1940, and therefore it can have no relevance to this defendant's state of mind in August or September of 1939.

My Lord, as a matter of convenience, I have just made a list of the documents to which objections will be made, and there are one or two additions which my French and Soviet colleagues have asked me to make, and I will deal with them when they arise.

My Lord, I would just like the Tribunal to have in mind that there are four geographical groups of documents as opposed to the groups under which they are arranged here, whi

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the Tribunal will have to consider. One is formed by documents relating to the Low Countries The second, which is Group G on the list which I have just put before the Tribunal, deals with Norway. A third deals with Greece, of which No. 29 is an exampl and a fourth is Group E in the list which I have just put in, dealing with tentative proposals and suggestions made by various military figures with regard to the oil fields in the Caucasus or operations on the Danube.

My Lord, the same objections which I have made particularly with regard to Documents 28 and 29 will apply generally to these groups, and I thought that I ought to draw the Tribunal's attenti to that fact. In addition, my friend Colonel Pokrovsky has intimated to me some special objections which he will have to certain documents on which he can assist the Tribunal himself whe they arise.

But, my Lord, I do take these specific cases, 28 and 29, as objectionable in themselves, and I draw the Tribunal's attention to the fact that they are also typically objectionable as belonging to certain groups.

The decision of the Tribunal, your Lordship, is given at page 8788, and your Lordship said, "The question of their admissibility will be decided after they have been translated."

M. DUBOST: May it please the Tribunal, I would ask the Tribunal for an opportunity to associate myself publicly with the declaration just made by Sir David, and to propose a few examples which will show the amount of attention which can be given to the documents in question.

The Defense is asking that the Tribunal take into account a document published in the German White Book No. 5, under No. 8. This document gives an account of a French prisoner of war, who, so it would seem, was in Belgium since the 15th of April. However, the German White Book gives neither the name of this prisoner nor an indication which would permit the identification

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of his unit, nor any declarations or indications which would enable us to identify these things.

We are therefore in the presence of a document which has no quality of authenticity.

The Defense is asking that No. 102 be taken into account by the Tribunal.

I ask the Tribunal to let me make a few observations to show in what manner these documents have been assembled by the German authorities. I would say, first of all, referring to that documen No. 102, that the French Delegation has referred to the text published in the German White Book. We have read it with attention. This document is only a preparatory order in view of defensive preparations organized by the Belgians on the Franco-Belgian frontier, facing in the direction of France. We have consulted the Belgian military authorities. This order was a manifestation of the Belgian Government to defend Belgium's neutrality and all its frontiers.

It is therefore contrary to truth to try to prove by this document any communication between the staffs of Brussels, London, and Paris, or to show any infringement of neutrality.

The commentary made by the German Minister of Foreign Affairs in the introduction of the German White Book, page 11 of the French text, has deluded the German defense counsel. The official commentator affirms, on the one hand, that the expression "The Allied Forces" used in this document means French and British troops, whereas in reality it is a regular expression used by the Belgians to describe those of their troops that are in liaison with other units of their own army.

The German commentator says, and I quote:

"The general line Tournai, Saint Ghislain, and Binche, is partly in Belgium and partly in French territory."

It is sufficient to look at a map to see that all those localities are in Belgian territory and they are all at least

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several times 10 kilometers away from the Franco-Belgian frontier, and in places, 60 kilometers from the French frontier.

I ask the Tribunal to excuse this interruption. I thought it was necessary to give a typical example on the value of the proofs, which is reduced by their production of the German White Book.

THE PRESIDENT: Dr. Siemers, the Tribunal thinks the most convenient course would be to hear your argument now upon these documents, not only upon 28 and 29, but upon the other documents specified in Sir David Maxwell-Fyfe's list, and then the Tribunal would consider these documents after the adjournment and would give its decision tomorrow morning.

DR. SIEMERS: May it please the High Tribunal; I should be very grateful indeed if it would be possible to proceed in a manner a little different. I should like to call attention to the fact that a rather lengthy debate, regarding argument has already taken place, and the decision of the court, I believe, followed. I believe if at this point I comment upon all the documents, a great deal of time will be lost thereby, since the connection and the coherence of the documents will be shown by itself during my presentation of evidence if I now deal with a list submitted by Sir David Maxwell-Fyfe. In order to show my reasons, I would have to give those reasons which will be shown in the regular course of testimony later on.

I thought perhaps that the decision of the Tribunal to present the documents in the order given in the document book was to save time, and then objections would arise one by one as the documents are presented.

THE PRESIDENT: I know; but there are a very great number of documents. The Tribunal will have to hear an argument upon each document, if we do what you suggest, reading the list of Sir David Maxwell-Fyfe. There are 30 or 40 documents, I suppose.

DR. SIEMERS: Sir David Maxwell-Fyfe has already stated that he will be guided according to different geographical groups. Therefore, there will not be objections according to each document, but rather towards each group of documents and each conflict of questions, for instance, an objection in the Norway case against all Norwegian documents, or in the Greek case against all Greek documents.

It would be easier to deal with the matters that way, since in my testimony I shall have dealt with Greece and Norway already, whereas if I do so now, I shall have to say everything twice. But I shall be guided by the decision of the High Tribunal.

However, I do think that an unnecessary amount of time will be lost that way.

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SIR DAVID MAXWELL-FYFE: My Lord, I only want to say one word on procedure. I did hope that Dr. Siemers and I had already occupied sufficient of the Tribunal's time in arguing this point, because, of course, the arguments as to relevancy must be the same. Whether they are so obviously irrelevant as not to be translatable, or whether they are inadmissable, at any rate, my arguments were the same. And I did not intend to repeat the argument which I made before the Tribunal.

Dr. Siemers already assisted the Tribunal for an hour and a half on this point which we discussed it before, and I hoped that if I stated; as I did state, that I have maintained the points which I put before the Tribunal in my previous argument, that Dr. Siemers might be able on this occasion to shorten matters and to say that he relied on the -- if I may say so -- very full argument which the Tribunal had on the other occasion. That is why I thought it might be convenient if we dealt with them now and put this problem out of the need for further consideration.

THE PRESIDENT: Dr. Siemers, the Tribunal think that you must argue these questions now, and they hope that you will argue them shortly, as your arguments have already been heard in favor of them. But we think that you must argue them now and not argue each individual document as it comes up; and they will consider the matter. They have already these documents, but they will consider the matter again and decide the matter tonight.

COLONEL POKROVSKY: My Lord, in as much as the Tribunal decided to have Dr. Siemers argue on the point that was expressed by Sir David Maxwell-Fyfe and other prosecutors, I think it is my duty to name three documents to which our prosecution objects.

The Soviet prosecution would like to object altogether to five documents. But two of them -- I have in mind Nos. 70 and 88 -- have been already included by my friend Sir David Maxwell-Fyfe, into the list which was given to the Tribunal. So all I have to do now is to name three other numbers, so that Dr. Siemers would have it easier in answring all together. I name Numbers 13, 27 and 83.

No. 13 is a record of a report of Captain Lohmann. There is an idea expressed in this report which I cannot call other than a propaganda idea of a typical Nazi. The idea is the aim of the Red Army is world revolution, and that the Red Army is really trying to incite world revolution. That is Document

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13, the affidavit of Captain Lohmann. I consider that it would not be proper if such nightmares and politically harmful ideas were reflected in the documents which are to be admitted by the Tribunal.

My second objection is in connection with the Document No. 27. This is a record which was made by a voluntary reporter of the crimes of Hitler. The Tribunal already rejected Dr. Siemer's application to include two documents pertaining to the same questions; and the Tribunal emphasized that the Tribunal does not wish to compare the authenticity of different documents pertaining to or dealing with the same question.

I consider that in as much as the Tribunal already has at its disposal among documents that were admitted two records dealing with Hitler's address in Obersalzburg, therefore there is no necessity to admit the third record of his speech, in as much as in this third version there are altogether slanderous and calumnous remarks in reply to the Armed forces of the Soviet Union and the leaders of the Soviet Union.

Neither the armed forces of the Soviet Union nor we as representatives of the Soviet State would ever agree to such remarks included in the record.

The thir d document is No. 83. Document 83 is an excerpt from the White Book. As the veracity of the German book has already been mentioned by Dr. du Bost, I consider them as material that cannot be relied upon, and in particular in regard to the document 83. There are several remarks which have absolutely no political basis, and are a type of declamation; that is, pertaining to the relationship between the Soviet Union and Finland.

So on the grounds of such general political motives, I would ask the Tribunal to exclude Document 83 from the list of documents that were presented.

Furthermore, it is absolutely clear this document is irrelevant. That is all I want to say.

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DR. SIEMERS: May it please the High Tribunal, now when it comes to the document or documents I would like to say now we are disputing about documents which in the original debate by documents which took place on the 1st of May, these documents were not mentioned then. I had believed, however, that I could have counted on this fact: That at least those documents which at that time were not objected to, that I could consider those as granted me. Now, however, I can see that those documents which were not discussed at that time at all are under dispute now. It is extraordinary.

THE PRESIDENT: The Tribunal thinks you are entirely in error in that under it's observation a document which hasn't been translated cannot be finally passed on by the Prosecution or by the Tribunal, and the fact the Prosecution doesn't object to it at that stage doesn't prevent them from objecting at a later stage when it has been translated.

DR. SIEMERS: There has been some documents about which I was told that the Prosecution wouldn't object, and then, I believed, of course, that that would be the final point and at the same time —

THE PRESIDENT: Maybe I didn't make myself clear. What I said was that the Prosecution in objecting or in not objecting to a document before it is translated, cannot bind themselves not to object to it after it is translated. Is that clear?

DR. SIEMERS: Yes.

Therefore, I shall take these documents one by one. First of all I would like to start with those documents -----

THE PRESIDENT: Dr. Siemers, the Tribunal will not listen to these documents taken one by one. If they can be treated in groups they must be treated in groups. They have been treated in groups by Sir David and I am not saying you must adhere exactly to the same groups but the Tribunal does not propose to hear each document one by one.

DR. SIEMERS: Mr. President, I want to discuss those documents. To begin with there are some things which are not clear and were objected to by Colonel Pokrovsky. I did not realise Colonel Pokrovsky mentioned the documents in groups. I believe he mentioned five and three of them in detail, and I believe since I do not understand everything I can deal with these documents one by one. However, I shall be glad to start with the group as laid down by Sir David. Shall I start with groups, Your Honor?

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THE PRESIDENT: When you said you were going to deal with the documents one by one, you meant all the documents one by one?

DR. SIEMERS: No, Your Honor.

THE PRESIDENT: You can deal with Colonel Pokrovsky first.

DR. SIEMERS: Right. Very well. Colonel Pokrovsky as his first document objected to No. 13. This document deals with a document dating back to the year 1935. Certainly Colonel Pokrovsky cannot object to the contents of this document, but how a document can be calssed as irrelevant just because a certa sentence allegedly contains propaganda, that is a point that is not quite clea to me. I do believe I could find instances in other documents, documents whi have been submitted during these past six months, I could find sentences which might be interpreted along the lines of propaganda, and I cannot quite picture that should be an objection, and I would like to mention the fact that the High Tribunal quite at the beginning of the proceedings, when we were dealing with Austria, the High Tribunal injected an objection made by the defense regarding a letter. The defense objected because the author of the letter might have been heard as a witness. Thereupon, the High Tribunal, and certainly with right, decided the letter was a document. The only question was the probative value of this letter, and in connection with this I should like to mention that a lecture at a University which is set down in writing is a document. The lecture deals with the naval agreement, and I believe that this shows the relevancy.

THE PRESIDENT: Haven't you made your point on No. 13? You said the majority of the thing is clearly relevant, and only one sentence is alleged to be propaganda, and, therefore, the document should not be struck out. Isn't that your point?

DR. SIEMERS: No, Your Honor, what I am saying is that it is a document which is in connection with the evidence used inthis proceeding, and I donot see how the Soviet Prosecution can dispute it, because it was a lecture given in 1935. I cannot quite understand the use of the word "propaganda" by Colonel Pokrovsky in connection with this document.

THE PRESIDENT: I don't understand what you sayin the least. I thought I put the point you made. I thought you made it clear that the document in itself was relevant and could not be rejected because it contained one sentance which was alleged propaganda. That is your point and I shall want it stated in onr or two sentences and the Tribunal will consider it. I don't see why the time of the Tribunal should be

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taken up with a long argument about something else.

DR. SIEMERS: Colonel Pokrovsky, in his second objection, if I understood him correctly, cited Document No. 27 and objected to it. In this instance we are concerned with the speech of Hitler at the Obersalzberg under date of 22 August, 1932. I shall try to understand --

THE PRESIDENT: '39 wasn't it, isn't it 1939?

DR. SIEMERS: It is Raeder Exhibit No. 27.

(Interpreter's Note) Your Honor, he said 1932, but I believe he means 1939.

DR. SIEMERS: It is Raeder Exhibit No. 27. It is very hard for me to comment on this document since I don't quite understand the objection put forth by Colonel Pokrovsky.

THE PRESIDENT: The objection was that there was no necessity for a third record of the speech. There were two records which you objected to and he said there was no necessity for a third.

DR. SIEMERS: I would like to add to that then, Your Honor, that then the Soviet Delegation does not agree with the Delegation of the United States in the record at that time. The Representative of the American Delegation said that if any one had a better version of that speech, to please present it. Therefore, I agree with the opinion of the American Prosecution and I believe on the whole that not a word about the relevancy of a speech which was made shortly before the outbreak of the war is necessary.

Document No. 83 is the third document objected to by Colonel Pokrovsky. This contains the sixth session of the High Council at the 28 March, 1940, and there was a draft for decision. It has the heading "Top Secret". In this document the Supreme Council, that is, the Constituents of the Allied leadership agreed that the French and British Governments on Monday, the 1 April, would tender a note to the Norwegian Government. This note is then given according to its contents, and there is a reference to the attitude of vital interests, and it says there then the position of the neutrals would be considered by the Allies as one contrary to the vital interest, and that a reaction accordingly would result.

Under Figure I (c) of this Document, it says:

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"Any attempt by the Soviet Union in obtaining from Norway a position on the Atlantic Coast would be contrary to the vital interests of the Allies, and would provoke that appropriate reaction."

THE PRESIDENT: You don't need to read the document, do you? I mean you can tell us what the substance of it is. It appears it is an objection as to any further attack upon Finland and would be considered by the Allies to be contrary to their vital interests. That is all.

DR. SIEMERS: Mr. President, this word "vital interests" is a decisive one. I do not wish, as the Prosecution seems to think, to bring an objection. I want to show only how, according to International Law, our position was, and at the same time where Grand Admiral Raeder had certain processes of thought regarding Norway, Greece and so forth, at the same time the Allied Agencies had the same thoughts, and they were basing their thoughts on the same idea, the International Law, which was established by Kellog, and that was the right of self-preservation, and that this right was maintained, and I can show my point only through these documents.

THE PRESIDENT: The point made against you by Sir David was that the document could not have come into the hands of the German authorities until after the fall of France.

DR. SIEMERS: Now, I shall deal with the groups as designated by Sir Dav

Sir David laid down certain basic expositions and clarifications. Regarding Document Numbers 28 and 29 he mentioned specifically and pointed out that in one case these were the thoughts of General Gaelin and in the other case thoughts of General Weygand and that these thought processes were not known to the Germans at that time since these documents were not in our Hands at that time. The latter point is correct. Processes of thought and the plan to occupy Greece, to destroy Romanian oil wells, those thoughts were known to the Germans, and through their Intelligence the Prosecution had data -- did not present the dada of the German O.K.W. which show these reports. Since I do not have these data I believe it would be well if I have the possibility, to quote the known facts which were known to Germany at the time and to prove the facts that way, since I have not other way of proving these facts that it is so easy for the Prosecution to take from documents which I need for the presentation of my case. And I can understand that, but the Prosecution must also understand the fact that I must insist that those documents which are definite proof for plans should remain at my disposal. Grand Admiral Raeder has been accused that an aggressive war was a criminal war of aggression, and that the planning of the occupation of Greece was to be considered as such. Document Number 29 shows that General Weygand and General Gamelin on the 9th of September 39 concerned themselves with the planning for the occupation of neutral Saloniki. Ir this is the case I cannot understand how that on the German side German Admiral Raeder would be accused that a year and half later he also concerned himself with such plans. I do believe therefore that these and similar documents should be granted me, for only from them can the military planning and the value of the military planning, or the objectionable side, that is, the criminal side of the planning -- be seen and understood. The stratigic thinking of the defendant can be understood only if one knows approximately what strategic thinking was carried on at

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the same time by the opposition ; the strategic reasoning of Grand Admiral Raeder isn't in a vacuum, but it depends on those reports andintelligence reports which he received about the strategic planning of the oppostion, of the enemy. It is a mutual effect and this idea of the muttual effect -- cause and effect -- is necessary for a complete understanding, therefore, in connection with this very essential point of view, to grant me these documents, since as I have already stated the other day that I do not know just how in these grave accusations regarding Norway I can carry on my defense at all if all of my documents be stricken. I do believe that I have been understood correctly that I do not assert that we knew these documents. I am saying that Germany knew the contents of these documents, and I believe it is sufficient for me to state that fact.

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May it please the High Tribunal, we are once again pausing with Document 66, Group A. This Document Number 66 is the expert opinion of Dr. Mosler, an expert at international law, about the aspect of the Norwegian campaign as seen in the light of international law.

We are always talking about the saving of time in this Court and therefore I would have my doubts about rejecting this official report, for a refusal of this document would force me to set forth the trend of thought detailed point by point, and I believe that for the High Tribunal, for the Prosecution and for me it is much easier if in this connection I may in general bring these --

SIR DAVID MAXWELL-FYFE: This is a document which is a matter of legal argument. If the Tribunal think it would be of any assistance to have the argument in documentary form, I would willingly withdraw my objection to that. That is on quite a different project than the other one, and I want to help in any way I can.

As I am before the microphone: I did mention that there were two other documents that fall into the same group. Number 34 falls into Group B and Number 48 into the Group E.

My Lord, I did mention 28 when I was addressing the Tribunal.

DR. SIEMERS: May it please the High Tribunal, I do not wish to dispute Number 66, I just wanted to ease the situation for everyone. And further documents are 101 to 107 in this group. These are documents. I cannot say that this is a unified group. One document deals with Norway, the other deals with Belgium, the third deals with the Danube. The unity of this group escapes me. As a matter of basic principle these documents have this point in common, that, as I have already stated, a planning was present in the Allied general staff as well as in the German, and all were based on the international law tenet of self-preservation; and in order to be brief at this point I should like to refer to Document 66 particularly, and to save time I ask that the citations, the quotations which I will quote from 66, be the reasons dealing with the right of self-preservation. I am referring to the quotations on Page 3 and Page 4 of this expert report, that the legal evaluation is made very clear herein, and it is set forth very clearly in this expert report that as far as the question of occupation is concerned -- occupation of Norway, that is -- we are not concerned with that, but if the Allies had as a matter of fact landed in Norway, the question was only whether such a plan

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actually existed -- that we are not concerned with, the fact whether Norway agreed or did not agree. The danger of a change ofneutrality according to inter national law prescribes the right to use preventative measures or to attack on your own accord; and this basic tenet according to the entire literature which is quoted in this document, has been maintained. And in my speech later on I will refer to this point.

Dealing with the group 101 to 107, it seems to me I have to mention 107 specially. Document 107 is not concerned with the Reichs books like the other documents are. 107 is an affidavit by Schreiber. Schreiber was the Naval attache from October 1939 onward and he had this post at Oslo. From the beginning I have said that I needed Schreiber as a witness. In the meantime, I dispensed with Schreiber because even though we tried for weeks, we could not find him. I discussed this matter with Sir David and with Colonel Phillimore. I was advised in this matter that there should be no objection on this formal point since Schreiber suddenly and of his own accord reappeared again.

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If, as the prosecution wishes, this piece of evidence is taken from me - - and by that I mean the affidavit of Scheiber about the Intelligence reports which Grand Admiral Raeder received from Oslo and, beyond that, the documents from which the authenticity of these Intelligence reports may be shown, then I have no means of proof for this entire question at all. Schreiber was at Oslo during the entire period of occupation and he can testify as to the behavior of the Navy; he can testify as to the efforts of Grand Admiral Raeder in connection with the regrettable civil administration. They talked about this and he can testify on that point. Therefore, I am asking the High Tribunal to grant this affidavit to me or, on the other hand, to grant Schreiber as a witness so he can testify before the Court. This latter course, however, would take up more time. I have tried to limit my evidence to such a degree that I believe in the entire span of fifteen years with which we are dealing in the case of Defendant Raeder such an affidavit should be granted me.

Turning to Group B, I should like to refer to the exposition which I have already made. The group seems to be rather Heterodox, but I believe they are all documents taken from the White Book. That is, the same trend of thought still applies.

THE PRESIDENT: I think Sir David recognized that there was a certain degree of lack of identity in these groups but he suggested that they all fill into geographical groups, one group the Low Countries, one group Norway, one group Greece, and one group the Caucasus and the Danube, which agrees with "E". That is what he said. Couldn't you deal with them in those geographical groups?

DR. SIEMERS: Very well.

I have already talked about Norway and I can refer to that point therefore. I have already briefly mentioned Greece and would like to say briefly in this case that there was a double accusation raised: One, that neutral ships had been sunk - - that is neutral Greek ships; and a second accusation of the aggressive war against Greece and by that the occupation of all Greece.

To the last point I have already made a few statements, but dealing with the Greek merchantmen I would like to say only that in this case the action and demeanor of the Defendant seems justified in that when he received Intelligence reports, which are in accord with the documents which were found a month later in France, the same reports were received by Raeder when he told his point to Hitler.

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I would like to prove that these reports which came to him through the Intelligence Service were actual facts, and the same applies to the oil regions where plans existed to destroy Roumanian oil wells; and, furthermore, there was a plan to destroy the Caucasian oil wells. Both of these plans were with the ideal of damaging the enemy, first of all German, and in the secon' case Russia, because at that time Russia was friendly with Germany. These plans are - and this is shown by the document - - in the same form as all other documents presented by the prosecution. These documents as well, in their entirety, are top secrets; they are personal, confidential. They had these labels; just as the prosecution has always said, why did you do everything secretly, that to us seemed suspicious. These documents contain an instance of a strategic planning idea as do the documents presented by the prosecution. That is something which arises from the nature of war and which is not meant to be an accusation on my part, and it should not be construed as an accusation against Grand Admiral Raeder by the prosecution.

Then the group of the Ribbentrop documents follows. I can say only that which I said the other day, and as I glance at it cursorily now, the documents in the Ribbentrop document book are not as complete as they are here. Therefore, I believe it is important to take the documents with their complete content and to investigate them with the point of view of Raeder rather than the point of view of Ribbentrop. That perhaps may have taken place as the High Tribunal suggested the other day. Then I believe, however, it is no objection to be used by the prosecution, to say that these were Ribbentrop documents and in the case of Ribbentrop they were partially admitted and partially rejected, for some which were granted Ribbentrop were refused me.

Then we turn to Group "E" and that is tuque quo (??) I believe I have already said sufficient on that point the other day. I dispute it again and I can not understand why the prosecution will not agree with me on that. I do not with to object. I am not saying tu quoque . I am saying only that there is strategic planning which is carried on in every war and there are tenets in international law which applied to the Allies as well as to us; and these foreign political possibilities of comparison, I beg they be granted me.

I believe herewith I have concluded my request so far as it is possible

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for me to define my position and comments in such a brief period of time on about forty documents, and I am asking the High Tribunal to facilitate my work by not refusing these documents to me.

THE PRESIDENT: The Tribunal will carefully consider these documents and your arguments.

The Tribunal will now adjourn.

(The Tribunal adjourned until 17 May 1946, at 1000 hours.)